

**Mandates of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; the Independent expert on the promotion of a democratic and equitable international order; the Independent Expert on human rights and international solidarity and the Special Rapporteur on extreme poverty and human rights**

Ref.: AL USA 20/2024  
(Please use this reference in your reply)

24 July 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; Independent expert on the promotion of a democratic and equitable international order; Independent Expert on human rights and international solidarity and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 52/13, 54/4, 53/5 and 53/10.

We would like to bring to the attention of your Excellency's Government information we have received concerning the alarming humanitarian situation in Cuba, which has been further exacerbated following the redesignation in 2021 by the U.S. Government of Cuba as a state sponsoring terrorism (SSOT). Despite repeated calls by the UN General Assembly to lift the embargo against Cuba, from resolution 47/19 of 17 March 1993 to resolution 78/7 of 3 November 2023, the SSOT designation has expanded the scope of unilateral coercive measures imposed on the country, further curtailed Cuba's trade and economic capabilities, blocked avenues for international cooperation, and exacerbated fear and uncertainty for all those wishing to engage with the country resulting in over-compliance with the sanctions regime, all of which have serious adverse impacts on the lives and human rights of the country's population, in particular of those in vulnerable situations.

Our mandates have already raised concerns about the deteriorating humanitarian situation in Cuba, including as a result of the decades-long embargo and the recent SSOT redesignation (USA 3/2024 of 25 January 2024). While we take note of your Excellency's Government's response of 17 April 2024, we regret that no response has been provided to date with regards to the more detailed communication on the U.S. legal framework and practice of SSOT designations (USA 31/2023 of 6 February 2024).

According to received information:

Cuba was first added to the U.S. State Department's States Sponsors of Terrorism List (SSOT)<sup>1</sup> in 1982 for alleged ties to international terrorism and support for terrorist groups in Latin America. It remained on this list for over 30 years, until 2015, when it was finally removed following former President Barack Obama's Policy Directive of October 2014 on the normalisation of U.S. – Cuba relations.<sup>2</sup> Former President Obama's policy vis-à-vis Cuba was reversed by his successor, President Trump's administration, and Cuba was relisted as a state sponsoring terrorism on 12 January 2021 for allegedly

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1 <https://www.state.gov/state-sponsors-of-terrorism/>

2 <https://obamawhitehouse.archives.gov/the-press-office/2016/10/14/presidential-policy-directive-united-states-cuba-normalization>

harbouring fugitives who committed or supported acts of terrorism in the United States, and for refusing to extradite to Colombia several leaders of the National Liberation Army (ELN) for their alleged involvement in a terrorist attack in Bogotá in 2019, during Colombia's peace negotiations – an extradition request that was withdrawn by the Colombian Government in 2022, a year after Cuba's SSOT redesignation.

Cuba's SSOT redesignation has reportedly deepened the country's international isolation, which has already been felt and lived for over sixty-two years as a result of the long-standing U.S. embargo. The SSOT designation has imposed a panoply of additional economic and financial restrictions with compounded adverse effects on the country's ability to meet the needs of its population. In particular, it further undermines Cuba's trade relations by expanding the scope of forbidden actions and the list of prohibited items; raises uncertainty and fear which leads to overcompliance with the sanctions regime by all those actors who wish to enter into, or maintain relations with Cuba; causes financial disruptions including in international financial transactions and payments from and to Cuba; suspends various forms of U.S. Government financial and technical assistance to the country; threatens to withhold U.S. Government funds from organisations that provide assistance to Cuba as a SSOT listed country; threatens to withhold U.S. Government assistance to other States that provide aid to Cuba as a SSOT listed country; and, has led the U.S. Government to oppose loans to Cuba by international financial institutions. In addition, the SSOT redesignation further undermines Cuba's access to credit and other development and emergency resources from international financial institutions (IFIs), including the World Bank and the Inter-American Development Bank.

The SSOT redesignation added to the challenges already facing Cuba, alongside the serious disruptions caused by the COVID-19 pandemic, natural disasters, and economic and financial trends which have affected global supply chains and commodity and energy prices. Cuba is currently undergoing a critical period which may be qualified as a prolonged economic crisis, with reports describing it as the most difficult time or the worst economic crisis in 30 years.

In 2023, the country's economic recession continued with a contraction of 1.9 per cent and with a 30 per cent accumulated inflation estimated at 30 per cent.<sup>3</sup> Production in strategic sectors has been particularly affected, with agriculture, fishing, manufacturing industry, sugar industry, mining, and commerce having all suffered declines of over 25% in the last five years. Fiscal deficit for 2024 was officially estimated in 18.5 per cent of the GDP, which demonstrates the fragility of public finances with consequent possible further inflationary pressures and currency depreciation. The average monthly salary is approximately 4,200 pesos. In 2021 this amount was equivalent to about US \$162. Due to the radical currency devaluations, it is reported that currently the same amount is worth only one tenth of its previous US dollar value, namely a mere US \$16. In addition, the monthly government pension varies between US \$10 and 15.

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3 See declaration of Ministry of Economy and Planification, <http://www.cubadebate.cu/noticias/2023/12/20/alejandro-gil-economia-cubana-estima-una-contraccion-en-2023-segun-proyecciones/>

According to a survey conducted in Cuban households in 2023<sup>4</sup>, approximately 75% of the country's families of 2 to 3 people live on less than 10,000 Cuban pesos per month, and they cannot afford to procure basic subsistence goods. There are reportedly severe commodity shortages in State-owned stores, which often lack even the basic items that Cubans usually procure at subsidized prices and which are included in the Government's "supplies booklet" (*libreta de abastecimiento*). Since 2021, and in response to the basic commodities shortages, the Cuban government relaxed restrictions on private micro, small and medium size enterprises (*mipymes*) to open inter alia more avenues for commodity imports. However, even such private enterprises and stores face obstacles to import and are not well stocked, often selling their products at prices that are beyond the reach of the majority of the population, in particular of those who do not have access to US dollars through remittances.

Agricultural production has been shrinking, with some reports mentioning a drop of 40% between 2019 and 2023, with a particular impact on the cultivation of vegetables, corn, rice, pork, milk, sugar cane, potatoes, bananas and eggs. The World Food Programme reported that for 2023 the cereal production was 50% below the five-year average. This regressive trend is explained by the lack of agricultural inputs, including seeds and fertilisers, shortages in fuel, as well as imposed restrictions on imports, including of agricultural machinery, chemical products, animal feed, and spare parts, among others. Cuba's SSOT redesignation has further exacerbated the already dire situation by exerting directly or indirectly more pressure on States and businesses trading with Cuba. In particular, access from abroad to agricultural inputs, including fertilisers, is almost completely blocked, as is the case for spare parts for the maintenance or repair of agricultural machinery and infrastructure. Due to mainly undercapitalisation and lack of technological innovation, approximately 40% of the potential arable land is currently in use for agricultural production, namely 2.6 million out of total 6.3 million hectares. Furthermore, agricultural production and food distribution is significantly affected by the growing energy shortage, regular electricity disruptions and blackouts, and lack of fuel, with the country reportedly receiving only half of the fuel imports for the first quarter of 2024, at very high prices which themselves drain the country's available foreign exchange.

As a result of its inability to produce food to meet the needs of the population, Cuba currently imports 70 to 80 per cent of the food consumed within the country, and 50 per cent of the basic subsidised monthly food basket<sup>5</sup>. However, imports of certain basic food stuff remain a serious challenge. In the particular case of wheat, Cuba was only able to obtain 67 per cent of its needs in 2023, 38 per cent less than in 2022. As of January 2024, the annual inflation rates of food items were officially estimated at 37.2%, down from about 70% in 2022, but still at very high levels.<sup>6</sup> The critical situation with regards to food insecurity in the country is showcased in local surveys which indicate that in around 70% of Cuban households there is at least one member who eats less or

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4 <https://es.statista.com/estadisticas/1278715/ingresos-mensuales-de-las-familia-cubanas>

5 WFP, Evaluation of Cuba WFP Country Strategic Plan 2021-2024, <https://docs.wfp.org/api/documents/WFP-0000145485/download/>

6 <https://www.fao.org/giews/countrybrief/country.jsp?code=CUB&lang=fr>

skips meals, and around the same percentage of households in which at least one member runs out of food due to lack of money or because of his or her inability to access it. Prolonged shortage of fresh foods is one of the main causes of undernourishment with the subsidized food products offered by the supplies booklet covering only around 40% of the recommended energy intake. Imports of chicken meat from the U.S. is reportedly the main source of consumed animal protein in the country, with other types of meat, including pork, at double, or even triple the price of the average monthly salary. Furthermore, the Government is struggling to secure enough milk for children, in particular powdered milk, and it has recently requested the assistance of the World Food Programme for the delivery of more than 350 tons of powdered milk, which will cover only part of Cuba's estimated monthly needs of 2,000 tons.

Similar regressive trends are observed in the health sector, with severe shortages in medicines and medical equipment, and the progressive depletion of the national medical stock in the last three years. Between 60% and 70% of all basic pharmaceuticals are either not available or in short supply. Cuba's SSOT redesignation has further complicated the already complex licensing procedures for exports of medicines and medical equipment to Cuba. In addition, the imposed U.S. restrictions based on the so-called "10% de minimis rule" for any item or technology containing at least 10% of U.S. components or technology, raises due diligence costs and ultimately results in frequent instances of overcompliance among States and businesses in trade relations with Cuba, even for humanitarian purposes.

Shortages in medicines and medical equipment affect all prioritised health sectors including the treatment of cardiovascular diseases, which is the leading cause of mortality in Cuba; paediatric oncology; various types of cancer treatment; as well as medical treatment and testing for pregnant women, among others. In particular, diagnostic and testing medical consumables, radiological equipment and radioisotopes, radiotherapy equipment, pacemakers, catheters, reagents, oxygen sensors, antibiotics, advanced diagnosis equipment, such as CT scanners, MRI, and NMR, as well as assistive technologies and devices for persons with disabilities, are severely lacking or inoperative/unusable due to import restrictions and the inability to procure spare parts.

There is a proliferation of informal pharmacies procuring medicines through alternative, unsustainable, and often more costly routes, while Cubans may resort to ad hoc coordination through social media platforms to receive information about available medicine, and whatever medicinal products they can have access to are often very expensive and have in some cases passed their expiry date or could not be properly stored and conserved. The national health system is under-resourced and overstretched with reduced operational capacities and with an increasing brain-drain of experienced health personnel. Compared to pre-COVID-19 Government figures, in 2023 there were around 30% fewer operational procedures in the country.

The prolonged and expanded unilateral coercive measures against Cuba have also adversely affected access to education and to education material. Shortages in paper, ink and spare parts for the maintenance of printing

infrastructure have been reported throughout the island, resulting in reduced availability of textbooks and other printed educational material. In addition, schools maintain very old IT infrastructure which cannot be renewed due to existing financial and trade restrictions mainly because of the “10% de minimis rule” with regards to the U.S. content and technology. Government data indicates that at the national level among approximately 1,500 computers in 333 schools, only half of them are still operational.

The current dire situation has led to a growing emigration of Cubans mainly to North America and Europe. It is estimated that between 7 and 8 per cent of the total Cuban population migrated from the island in the last three years, the majority being people of working age, with approximately 640,000 of them arriving in the U.S. If official figures from other destinations from Latin-American region are included, then the total estimated number of Cuban migrants reaches approximately 840,000 at the of June 2024. Education and health are the most affected sectors. It is reported that in 2022 thousands of doctors and healthcare personnel left Cuba despite the Government efforts to raise salaries and to increase benefits.

UN-coordinated assistance is also hindered by the embargo-related restrictions and the compounded uncertainty following the SSOT redesignation, with limitations in the purchase of goods and inputs at competitive prices, limitations on imports of US-patented goods, services and technologies, restrictions in information and communication technologies (ICTs), as well as the inability of the United Nations entities located in Cuba to use long-term agreements with global suppliers, among other operational challenges.

While we do not wish to prejudge the accuracy of the received information, we wish to stress that the reported economic and humanitarian crisis in Cuba with the multifaceted adverse impact on different walks of life and on the enjoyment of the human rights of the general population calls for a resolute action to reverse the imposed unilateral coercive measures in the form of economic, trade or other restrictions, including by lifting the sixty-two-year old embargo and by removing the country from the list of states sponsoring terrorism. Academic research and numerous reports by the UN and its human rights mechanisms, other international organisations and civil society have clearly demonstrated the catastrophic humanitarian and human rights impact of unilateral coercive measures, independently of their intended purpose and scope.

The comprehensiveness of these measures which are imposed on Cuba by your Excellency’s Government has kept Cuba in a state of quasi-isolation, with severe consequences on the right of Cubans to an adequate standard of living. We are concerned that by redesignating in 2021 and maintaining since then Cuba on the U.S. State Department’s list of states sponsoring terrorism, your Excellency’s Government has further risen the level of pressure and expanded the scope of imposed restrictions against Cuba, as well as exacerbated the climate of fear and uncertainty resulting in overcompliance with the sanctions regime with even broader humanitarian adverse effects. Growing disruptions in imports of essential goods, including food, medicines, medical equipment, fuel, raw materials and input for critical infrastructure and agricultural production, among others, have severely affected the daily lives of Cubans and adversely impacted on, inter alia, their right to life, health, food, to lead a dignified life free from poverty and hunger, while at the same time denying them their

right to promote their economic, social and cultural development, including through international cooperation.

A number of concerns specifically with regards to SSOT designations have been shared with your Excellency's Government through a previous communication (AL USA 31/2023 of 6 February 2024), to which we have yet to receive a response. The earlier communication noted that aside from their humanitarian impact, SSOT designations violate not only human rights, but also the principles of sovereign equality of states, of non-intervention in the domestic affairs of states, and of peaceful settlement of international disputes. They also provide for unclear, arbitrary and inconsistent procedures of determination without legal grounds, especially without defining international terrorism; they offer discretionary powers to the U.S. Secretary of State in the determination process; and, they do not provide for mechanisms allowing the concerned state to challenge such a designation. The determination process may thus be rendered vulnerable to arbitrary interpretations and contingent upon domestic politics and other considerations, rather than grounded in international law and aligned with the international law obligations of the United States of America. Furthermore, such designations and the related imposed restrictions may stay in effect far longer than their intended purpose, in particular in the absence of any mechanism of regular review, thus prolonging their negative adverse humanitarian impact on the populations of the targeted countries.

As a result, the SSOT designation, being contrary to international law, and having a devastating humanitarian effect on human rights of the Cuban population contradicts basic requirements of the UN Global counter terrorism strategy creating conditions conducive to terrorism (UN Global counter-terrorism strategy, part. I) rather than suppressing them. UN General Assembly resolution 77/298 explicitly requests states to take all necessary measures to eliminate poverty, to ensure sustainable social-economic development, access to education, to remove all impediments for the delivery of humanitarian, especially medical goods (paras. 8, 113). Similar approach is taken by the UN Secretary general in his report 77/718 (paras. 83, 85).

International solidarity requires the elimination of unilateral coercive measures that are inappropriately or too broadly targeted. Cuban people, in particular those in vulnerable situations including children, those living in poverty, the elderly and persons with disabilities, have a right to enjoy proper nutrition, education, and access to medicine and healthcare.

However, they are limited in access to these basic needs due to the imposed unilateral coercive measures and the panoply of economic, trade and travel restrictions. Local and international civil society, including humanitarian actors, are also weakened by these difficult conditions, which profoundly undermine their important societal and in many cases life-saving contributions. In 2023, the majority of the countries within the UN General Assembly openly recognised the urgency of removing the economic, commercial and financial sanctions against Cuba which have adverse effects on the Cuban people as well as on Cuban nationals living in other countries. It is time to end any form of unilateral coercive measure against Cuba and engage in diplomacy based on peace and solidarity, to enable Cubans to enjoy human dignity and self-realization.

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 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 explain the legal and factual grounds for the qualification of Cuba as a state sponsor of terrorism and its inclusion in the U.S. State Department's List of States Sponsors of Terrorism.
3. Please provide information and clarification on the process leading to Cuba's determination as a state sponsor of terrorism.
4. Please provide information on any procedures or mechanisms of review of SSOT designations, and whether such a review has been undertaken for Cuba since its SSOT redesignation in 2021. If such a review has taken place, please provide information on the grounds for maintaining Cuba on the SSOT list to date.
5. Please indicate whether any human rights impact assessment has been undertaken prior and after the SSOT redesignation of Cuba, and whether relevant measures have been undertaken to mitigate this impact which affects the human rights of the Cuban population. If such an assessment has been made, please provide information about the outcome of such an assessment.
6. Please explain how the criteria used by your Excellency's Government for the qualification of state as sponsors of terrorism are aligned to those established internationally by the UN Security Council or with the measures undertaken in accordance with the UN Global Counterterrorism Strategy, including those aimed to promote and protect human rights, solidarity, cooperation and development as the means to eliminate conditions conducive to terrorism.
7. Please indicate whether your Excellency's Government has referred the issue of designation of Cuba as state sponsoring terrorism to the UN Security Council as the international authority in such matters or sought its prior authorisation for any action in this regard.
8. Please indicate the measures undertaken by your Excellency's Government to ensure the unhindered delivery of humanitarian goods to Cuba and to provide for the humanitarian needs of the Cuban population in accordance with the UN General Assembly's recommendations for the implementation of the UN Counter-Terrorism Strategy.

We would appreciate receiving a response within 60 days. Beyond this deadline, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). 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 be informed that a copy of this letter has been also sent to the Permanent Mission of Cuba.

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

Alena Douhan  
Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

George Katrougalos  
Independent expert on the promotion of a democratic and equitable international order

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## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described.

Reference is made to the international human rights standards on the right to life, in particular article 6 of the International Covenant on Civil and Political Rights (ICCPR), which provides for the positive obligation to ensure access to the basic conditions necessary to sustain life (CCPR general comment no. 6, para. 5; CCPR general comment no. 36, para. 21) and which requires special measures to protect persons in vulnerable situations whose lives are particularly endangered by specific threats (CCPR, general comment no. 36, para. 23). Measures, including the obstruction of humanitarian assistance, and of access to basic and life-saving goods and services such as food, health, electricity and safe water and sanitation run counter to the right to life (CCPR/C/ISR/CO/4, para. 12; A/73/314, para. 27). We wish to recall that any deaths attributable to such measures amount to an arbitrary deprivation of life (A/73/314, para. 13).

We wish to recall article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which provides for the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

Regarding the right to health as it pertains to individuals as well as populations, we refer to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which enshrines in article 12(1) "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." We also call your attention to general comment No. 14 (2000) of the UN Committee on Economic, Social and Cultural Rights, which states that the right to health must be understood as a right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health. It is recognised as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health. It includes, inter alia, the availability and the physical accessibility of goods necessary to ensure this right (E/C.12/2000/4, paragraphs 9, 11 and 12).

In particular, we draw the attention of your Excellency's Government to its obligations under the Convention on the Rights of the Child, which it signed in 1995. Under article 24 (2), "States Parties shall pursue full implementation of the right to health and, in particular, shall take appropriate measures to combat disease and malnutrition, including within the framework of primary health care, through: (c) the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution and (e) to ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages

of breastfeeding, hygiene and environmental sanitation and the prevention of accidents”.

Moreover, deterioration of one’s health condition as well as growing physical and psychological suffering due to the unavailability of adequate and appropriate medical treatment may have adverse effects on the enjoyment of other human rights including the right to education, the right to work, human dignity, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement (CESCR, general comment no. 14, E/C.12/2000/4, para. 3).

With respect to the right to food, and to a decent standard of living in which food plays a vital role, we recall article 11 of ICESCR. Article 11 provides also for more immediate and urgent steps to ensure the fundamental right to freedom from hunger and malnutrition. Furthermore, General Comment No.12 by the Committee on Economic, Social and Cultural Rights recognises that the right to food is inseparable from social justice, and requires the adoption of appropriate economic, environmental and social policies, at both national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all (E/C.12/1999/5, para. 4). It provides for adequacy and sustainability of food availability and access, with accessibility being both economic and physical, and sustainability covering both present and future generations (para. 7).

General comment No. 12 also stresses that violations of the right to food can occur through the direct action of States or other entities insufficiently regulated by States. This includes the failure of a State to regulate activities of individuals or groups so as to prevent them from violating the right to food of others, which can refer to State’s obligations to ensure that in the context of unilateral sanctions the conduct of businesses, financial institutions or other actors will not violate the right to food of the people living in the targeted by sanctions countries; and, it also includes the failure of a State to take into account its international legal obligations regarding the right to food when entering into agreements with other States (para. 19). According to the Committee, the obligations to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including their access to land in order to ensure their food security.

Furthermore, we would like to highlight article 28 on the Convention of the Rights of People with disabilities, ratified by your Excellency’s Government in 2007. Under the Convention, State Parties shall recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing, and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

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.

In its 2015 research-based progress report the Human Rights Council Advisory Committee referred to the General Comment No. 8 of the Committee on Economic, Social Cultural Rights on the relationship between economic sanction and respect for economic, social and cultural rights. It referred particularly to para. 16 of the General Comment which states that the inhabitants of a given country do not forfeit their basic economic, social and cultural rights in the context of imposition of economic sanctions as a response to violations of norms of international peace and security. The Advisory Committee stated that although this general comment seems to apply to sanctions adopted by the UN 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 no.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. Operative paragraph 1 of the same resolution “[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.”

With regards to business overcompliance and de-risking in the context of unilateral coercive measures and their adverse impact on human rights, we wish to recall the UN Guiding Principles on Business and Human Rights (A/HRC/17/31, annex), which highlight States’ and businesses’ responsibility to respect all internationally recognized human rights at minimum those set forth in the Bill of Rights (the UN Declaration on Human Rights and the two Covenants) and put forward global standards with regards to the expected conduct for all business enterprises wherever they operate. In this context, States should take additional steps to protect against human rights abuses by business enterprises that are owned or

controlled by the State, including, where appropriate by requiring human rights due diligence (principle 4). States should exercise adequate oversight in order to meet their international human rights obligations when they contact with, or legislate for, business enterprises to provide that may impact upon the enjoyment of human rights (principle 5). States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State's human rights obligations when fulfilling their respective mandates, including by providing them with relevant information, training and support (principle 8).

We also wish to refer to the basic principles of international law pertaining to sovereignty and to non-interference in the internal or external affairs of other states. Under these principles, every sovereign state has the right to choose its trade partners, to make trading arrangements with them and to conduct this trade, while other states are enjoined from interfering with these activities except when legally permitted or required, such as through decisions of the UN Security Council.

As embodied in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, contained in UN General Assembly Resolution 2625 (XXV) of 24 October 1970, this principle affirms that “No State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State. (...) No State may encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.”