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

9-10 April 2026, Geneva, Switzerland



International Conference on Humanitarian Action, Remedy and Responsibility in the Unilateral Sanctions Environment

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

Group of Friends in Defense of the Charter of the United Nations

Independent Expert on foreign debt, other international financial obligations and human rights

9 – 10 April 2026

Introduction

[The Conference on Humanitarian Action, Remedy and Responsibility in the Unilateral Sanctions Environment](#) will take place on 9–10 April 2026 at the Palais des Nations in Geneva (Room V) and online. It is convened under the mandate of the United Nations Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, in cooperation with the Independent Expert on the effects of foreign debt and human rights, and with the support of the Group of Friends of the Charter of the United Nations.

Human Rights Council resolution 58/4 (2025) expresses concern that unilateral coercive measures impede the provision of humanitarian assistance to populations affected by natural and other disasters and calls upon States and relevant United Nations entities to take concrete steps to mitigate their adverse impact. The resolution further requests the Special Rapporteur to continue her work on identifying and proposing measures to ensure the removal of unilateral coercive measures affecting the enjoyment of human rights, including in relation to secondary sanctions and over-compliance.

In recent years, the expanding use of unilateral sanctions, their enforcement through secondary sanctions and other legal and administrative measures, and the increasing practice of over-compliance have generated significant challenges for the protection of human rights and the delivery of humanitarian assistance. These developments affect a wide range of actors, including States, international organizations, financial institutions and private entities, and have disproportionate consequences for populations in vulnerable situations.

In preparation for the Conference, the Special Rapporteur conducted two rounds of expert consultations with scholars and humanitarian organizations and issued calls for contributions on draft [Guiding Principles on humanitarian action in the face of unilateral sanctions](#), as well as [Guiding Principles on effective remedy and responsibility in the unilateral sanctions environment](#). The Conference provides a platform to discuss these draft principles and their accompanying commentary, and to examine key legal and practical challenges arising from the interaction between sanctions regimes, humanitarian action and international law.

The discussions will focus on four interrelated areas: humanitarian action in the face of unilateral coercive measures and over-compliance; access to effective remedies; responsibility for internationally wrongful acts and human rights violations; and the use of financial instruments, including issues related to fiscal sustainability and the role of financial institutions.

The Conference will be held in a hybrid format and structured in four sessions: a high-level plenary session with participation of State representatives, a session for humanitarian stakeholders, a session for academics and legal professionals, and a dedicated expert session on financial dimensions of unilateral sanctions and human rights.

In the framework of the high-level plenary session, the Conference will also host the award ceremony of the [Global student video competition “UCMs Uncovered: Global Student Video Challenge on the Humanitarian Impact of Sanctions”](#), organized under the mandate of the Special Rapporteur. The initiative aims to raise awareness of the humanitarian impact of unilateral coercive measures, promote youth engagement in human rights discourse, and provide a platform for student perspectives on sanctions and their societal consequences.

The dedicated expert session will include a presentation of the recent publication by Ms Attiya Waris, United Nations Independent Expert on foreign debt and human rights, and will address the intersections between fiscal policy, sovereign debt and human rights in the context of unilateral sanctions.

PART I

Programme of work

ROOM V, Palais de Nations & ZOOM Online	
Day 1 – 9 April 2026 High-Level Conference (plenary session) With UN Web TV broadcast	
10:00-10:20	<p>Opening Remarks</p> <ul style="list-style-type: none"> • H.E. Ambassador Mr. Alexander Yáñez Deleuze, Deputy Minister for Multilateral Affairs of the Bolivarian Republic of Venezuela • Prof. Alena Douhan, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights • Special address by H. E. Miguel Díaz-Canel, President of the Republic of Cuba (video)
10:20-11:40	<p>High-level statements</p> <p>Statements by representatives of Member States and international organizations</p> <ul style="list-style-type: none"> • H.E. Mr. Seyed Abbas Araghchi, Minister for Foreign Affairs of the Islamic Republic of Iran (video) • H. E. Mr. Dmitry Ljubinskij, Deputy Minister of Foreign Affairs of the Russian Federation • H.E. Mr. Maxim Ryzhenkov, Minister for Foreign Affairs of the Republic of Belarus (video) • H. E. Ms Anayansi Rodriguez Camejo, Deputy Minister of Foreign Affairs of the Republic of Cuba • H. E. Mr Yvan Gil Pinto, Minister of the People's Power for Foreign Affairs of the Bolivarian Republic of Venezuela (video) • H. E. Mr Osman Saleh, Minister of Foreign Affairs of the State of Eritrea (video) • H. E. Ambassador Extraordinary and Plenipotentiary Ms. Ever Mlilo, Permanent Representative of the Republic of Zimbabwe to the United Nations Office in Geneva

	<ul style="list-style-type: none"> • H. E. Ambassador Mr. Tovar Da Silva Nunes, Permanent Representative of Brazil to the United Nations Office in Geneva • Dr. Li Xiaomei, Minister, Permanent Mission of the People's Republic of China to the United Nations Office at Geneva
11:40-12:30	<p>Interactive dialogue</p> <p><i>Exchange of views with participation of States, experts and stakeholders</i></p>
12:30-13:00	<p>Award ceremony – “UCMs Uncovered: Global Student Video Challenge on the Humanitarian Impact of Sanctions”</p> <p><i>Presentation of laureates and award of certificates to selected participants of the global student video competition organized under the mandate of the Special Rapporteur</i></p>
13:00-15:00	Lunch break

<p>9 April, 2026</p> <p>Humanitarian Actors</p> <p>Session 15:00 – 18:00</p> <p>(Hybrid format, English and Spanish)</p>	
15:00-15:10	<p>Opening Remarks</p> <ul style="list-style-type: none"> • Alena Douhan, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
15:10-16:20	<p>Panel I: Humanitarian action in the face of unilateral coercive measures and over-compliance</p> <ul style="list-style-type: none"> • Emmanuel Tronc <i>Syria 2025 Case Study – Effects of Restrictive Measures Removal and Impact Reversibility</i> • FUNDALATIN (video) <i>Victims of Unilateral Sanctions Imposed by the U.S. Against Venezuela: the Faces of a Crime Against Humanity</i> • Raul Rodriguez <i>U.S. Unilateral Coercive Measures: Undermining Humanitarian Action to and from Cuba</i> • Reem Alsalem

	<i>Violence against women and girls and UCMs: What we know</i>
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16:20 – 16:40	Coffee break
16:40-17:40	<p>Panel II: Operational and financial challenges for humanitarian actors</p> <ul style="list-style-type: none"> • Reza Majdzadeh <i>Making Health-Related Humanitarian Exemptions Work in Practice under Unilateral Coercive Measures</i> • Francisco Pichón, UN Resident Coordinator of Cuba (video) <i>topic to be confirmed</i> • Floriana Polito <i>Assessing the humanitarian impact of unilateral coercive measures</i> • Joy Gordon <i>The Inadequacy of Humanitarian Exemptions as a Form of Sanctions Relief</i> • Robert Huish <i>Always Off Target: Measuring the Unintended Humanitarian Impacts of Sanctions</i> • William Castillo, Deputy Minister of Anti-Blockade Policies, Bolivarian Republic of Venezuela (video) <i>topic to be confirmed</i>
17:40-18:00	<p>Discussion and closing remarks</p> <ul style="list-style-type: none"> • Alena Douhan, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

Day 2 – 10 April, 2026
Room V, Palais des Nations & Online
Academics and Legal Professionals Session
09:00 – 18:00 (Hybrid format, English)

09:00-09:10	<p>Opening Remarks</p> <ul style="list-style-type: none"> • Alena Douhan, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
09:10-10:30	<p>Session I: Humanitarian action in sanctions environment</p> <ul style="list-style-type: none"> • Sienho Yee (video) <i>Some conflict of norms considerations surrounding humanitarian action and unilateral sanctions: Inspirations from the ICJ advisory opinion on Presence and Activities of the UN and Others</i> • Daria Boklan <i>Could “Unilateral Sanctions” Be Justified Under the WTO Security Exception?</i> • Aslan Abashidze (video) <i>The Position of CE.SCR on Unilateral Measures</i> • Ali Rastbeen <i>Unilateral Sanctions as a Political Tool Replacing Judicial Processes</i> • Maria Keshner <i>Law Coercion in International Law: from a Crisis of Legitimacy to the Search for Models of Normative Resolution</i>

10:30-10:50	Coffee break
10:50-12:10	<p>Session II: Effective remedy in unilateral sanctions environment</p> <ul style="list-style-type: none"> • George Katrougalos <i>The Impact of Sanctions on the International Order</i> • Alena Douhan <i>UN Instruments as Means of Effective Remedy in the case of human rights violations in unilateral sanctions environment</i> • Michael Strauss <i>Monitoring and Impact Assessment to Ensure Effective Remedy for human rights</i> • Alfred de Zayas

	<p><i>The Potential of Diplomatic Protection as a Foreign Policy Tool To Counter Economic Sanctions, Financial Blockades and Other Unilateral Coercive Measures</i></p> <ul style="list-style-type: none"> • Innokenty Karandashov (video) <p><i>Impact of UCMs on Russian Law</i></p>
12:10-13:40	Lunch break
13:40-15:00	<p>Session III: Financial dimensions of unilateral sanctions</p> <ul style="list-style-type: none"> • Attiya Waris <p><i>When Sanctions Turn Debt into a Weapon</i></p> <ul style="list-style-type: none"> • Lyla Latif <p><i>Technological Coercion as the New Frontier of UCMs</i></p> <ul style="list-style-type: none"> • Steven Dean <p><i>A Shadow System of Racialized Enforcement: the US Congressional Black Caucus, the OECD, and Global Tax Governance</i></p> <ul style="list-style-type: none"> • Manuela Carneiro <p><i>How Anti-Crime Rules Became Tools for Sanctions (TBC)</i></p> <ul style="list-style-type: none"> • Dmitriy V. Galushko (video) <p><i>Unilateral Restrictive Measures as Instruments of Economic Governance: Implications for Financial Security and International Law</i></p>
15:00-15:30	<p>Book Launch: Financing Africa and Related Work on Debt and Sanctions</p> <p>Chair: Permanent Representative of Guatemala (TBC)</p> <ul style="list-style-type: none"> • Attiya Waris
15:30-16:00	Coffee break
16:00-17:20	<p>Session IV: Responsibility for human rights violations in sanctions environments</p> <ul style="list-style-type: none"> • Mohammad Kanfash & Alexandra Hofer (in person and video) <p><i>Mass Starvation Crimes and Accountability</i></p> <ul style="list-style-type: none"> • Pouria Askary (video) <p><i>Application of Extraterritorial Jurisdiction in the Case of Unilateral Coercive Measures</i></p> <ul style="list-style-type: none"> • Nataliya Maroz <p><i>Reputational Harm to States caused by unilateral coercive measures</i></p>

	<ul style="list-style-type: none"> • Fatima Rodrigues <i>Access to Justice in ECJ and European Countries</i> • Bo Yi & Jiali Xiao <i>China's Anti-Foreign Sanctions Law as a Remedy Against UCMs: Legal Framework, Judicial Practice, and Private Law Mechanisms</i>
17:20-18:00	<p>Discussion and closing remarks</p> <ul style="list-style-type: none"> • Alena Douhan, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

Part II

Humanitarian and Academic Keynote Speakers

Humanitarian Actors Session
9 April, 15:00 – 18:00 CET



Prof. Alena Douhan (Belarus) took up her functions as UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights on 25 March 2020. She is a professor of International Law department of the Belarusian State University (Belarus), Associated member of the Institute for International Law of Peace and Armed Conflict at Ruhr University Bochum. Her teaching and research interests are in the fields of international law, sanctions and human rights law, international security law, law of international organizations, international dispute settlement, and international environmental law. She has authored over 190 publications on various aspects of international law.



Mr. Emmanuel Tronk is HEKS/EPER Syria Country Office Director. A Chemistry Engineer with experience in Public and private sector and 20 years in the humanitarian & development fields in the Middle East and Latin America, specialized in institutional structural reforms for compliance, anti-fraud, anti-corruption, and anti-criminality

interventions. 10 years in Damascus monitoring and capitalizing on the negative and counterproductive impacts of unilateral coercive measures on the population and the delivery of humanitarian aid in Syria through research based on mappings, systematic and systemic analyses, and conceptual modeling, and advisory to local and international organizations, United Nation agencies and experts.



Prof. María Eugenia Russian Solé is the Latin American Foundation for Human Rights and Social Development (Fundalatin), a non-governmental organization dedicated to the promotion and defense of human rights, founded 48 years ago (1978) by the Spanish priest Juan Vives Suriá. On September 15, 1987, the organization was honored by the United Nations (UN) with the “Messenger of Peace” award. In 2015, Fundalatin obtained Special Consultative Status with the United Nations Economic and Social Council (ECOSOC).



Prof. Raúl Rodríguez Rodríguez is a full professor of North American History and International Relations and currently the Director of the Center for Hemispheric and United States Studies at the University of Havana, Mr. Rodríguez also heads the National Social Sciences and Humanities Program of Cuba. His research interests include the history of North America, U.S. and Canadian foreign policy, and triangular relations between Canada, United States and Cuba and more specifically U.S. economic sanctions on Cuba. On the topic Dr Rodríguez has published several articles in academic journals and contributed with chapters in collective monographs in recent years



Reem Alsalem is the United Nations Special Rapporteur on violence against women and girls, its causes and consequences. She is an internationally recognized expert in gender equality, refugee and migrant rights, and humanitarian response. She has held senior roles across the United Nations system, including with UNHCR, and has advised UN agencies, governments, and international organizations. She holds advanced degrees in International Relations and Human Rights Law from the American University in Cairo and the University of Oxford.



Prof. Reza Majdzadeh is a global health and health systems scholar at the University of Essex whose work sits at the intersection of Geopolitical Determinants of Health, sanctions-related constraints, and health system resilience. He examines how such constraints are translated into differential risks for populations, using intersectionality to identify who is rendered more vulnerable, through what pathways, and with what implications for equity and service continuity. His portfolio also advances monitoring approaches for health systems operating under sanctions, supporting more accountable evidence-to-decision processes in complex, politically constrained environments. He has worked across diverse professional and cultural contexts, including collaborations spanning the Middle East and North Africa. He contributes to capacity-building and knowledge mobilisation that bridge research, policy, and practice.



Ms. Floriana Polito currently serves as the Humanitarian and Human Rights Advocacy Officer for Caritas Internationalis in the Geneva delegation to the United Nations. She has extensive professional experience in international human rights law and advocacy, as well as humanitarian policy at the multilateral level. Throughout her career, she has had the privilege of working with a diverse range of stakeholders, including governments, UN agencies, civil society organizations and faith-based partners. She holds a degree from the Geneva Graduate Institute with a focus on international relations and international law and advanced master of the University of Geneva in European Studies, European Institutions and European Law.



Prof. Joy Gordon is the Ignacio Ellacuría, S.J. Professor of Social Ethics in the Loyola Philosophy Department at Loyola University-Chicago. She teaches and publishes in the areas of social and political philosophy, human rights, international law and global governance, and ethical issues in international relations. She has published extensively on legal and ethical aspects of economic sanctions. She recently published *Economic Sanctions from Havana to Baghdad: Legitimacy, Accountability, and Humanitarian Consequences* (Cambridge University Press). Her previous book was *Invisible War: The United States and the Iraq Sanctions* (Harvard University Press). She has published articles in academic journals including *Ethics and International Affairs*, *Georgetown Journal of International Law*, *Le Monde Diplomatique*, *Yale Journal of International Law*, *Journal of International Development*, *Philosophy and Public Policy Quarterly*, *Yale Journal of International Affairs*, *Global Governance*, *Arab Studies Quarterly*, *Philosophy and Social Criticism*, *Foreign Policy*, *Chicago Journal of International Law*, and *Yale Human Rights and Development Law Journal*.



Dr. Robert Huish is the Associate Dean of Research At Dalhousie University in Halifax, Canada. Dr. Huish is an internationally renowned expert and public intellectual on the humanitarian impacts and security concerns associated with sanctions. He has published three books and over 60 articles and book chapters on human rights, international relations, and the global health impacts of sanctions. His research has been used to advise several governments on the impacts of sanctions and compliance measures. Dr. Huish has held several honorary and visiting fellowships, including those at McGill University, Western Sydney University, Wroclaw University, The University of Victoria (Canada) and the University of Otago, where he was named the Ron Lister visiting Fellow in 2016. Dr. Huish is the recipient of numerous teaching and public engagement awards, including the Faculty of Arts and Social Sciences Teaching Award at Dalhousie University and the Public Engagement Award from the Conference of Latin American Geographers. He was named one of Canada's most innovative educators in the Globe and Mail's "Our Time to Lead" series. He also hosts the podcast "The Global Development Primer" (GDP).

*Academics and Legal Professionals Session I 10 April,
09:10 – 10:30 CET*



Prof. Siehno Yee is Professor and Director, Chinese Institute of International Law at China Foreign Affairs University, Beijing, and Editor-in-Chief, Chinese Journal of International Law (Oxford University Press). He is a generalist in public international law, with some focus on systemic questions and ICJ case law. He proposed the idea of an international law of co-progressiveness. His proposal on the ICC-Security Council relationship was considered to have contributed to or anticipated the debut of Article 16 of the ICC Statute. A member of Institut de Droit International, former chair of the ILA American Branch Committee on Interstate Dispute Settlement and principal presenter on applicable law in the official ICJ at 70 celebration seminar, Yee has published widely on public international law and ICJ law and practice and has practiced as counsel and advocate before the ICJ.



Prof. Aslan Abashidze, Head of the Law Institute (RUDN University), Head of the Department of International Law (RUDN University), Member of the UN Committee on Economic, Social and Cultural Rights, Member of the Scientific Advisory Council under the Supreme Court of the Russian Federation, Member of the Scientific Advisory Board under the Ministry of Foreign Affairs of the Russian Federation, Chairman of the International Law Commission of the United Nations Association of Russia, Honored Lawyer of the Russian Federation, Honored Scientist of the Russian Federation, Doctor of Law, Professor.



Dr. Daria Boklan is Professor of Law, Doctor of Law, National Research University Higher School of Economics, Moscow, Russia. Specializes in WTO law, International Environmental Law, Law of the Eurasian Economic Union (EAEU). She is also the Head of the Scientific and Educational Laboratory for Studies in Protection of State Interests under Economic Sanctions at the Law Faculty of the National Research University Higher School of Economics, a part time professor at MGIMO University (Moscow State University of International Relations) September 2016 – Present, a member to the expert group, drafting the Treaty on Eurasian Economic Union (EAEU), January 2013 - December 2014. Apart from that, Dr. Daria Boklan is a member of European Society of International Law (ESIL), convener of ESIL Interest Group on International Environmental Law, co-chair of International Trade & Investment Law Research Group of Law Schools Global League. Professor Boklan is the author of more than 60 publications including in such journals as the Extractive Industries and Society, Journal of World Trade, European Journal of International Law and World Trade Review.



Dr. Ali Rastbeem is a geopolitician and lecturer. He is the President and founder of the Académie de Géopolitique de Paris, as well as the director of the journal *Géostratégiques*. His work primarily focuses on the reconfiguration of the international order, economic sanctions, international law, and contemporary geopolitical dynamics.



Prof. Maria Keshner, born in 1980, has been working as a professor in the Department of International Law of the Faculty of Law of Kazan Federal University (Russia) since 2012. Her research focuses on the questions of responsibility in international law; the use of coercive measures, the application of sanctions and countermeasures in contemporary international relations. The main results of the research were tested during presentations at international scientific conferences on international law held both in Russia and abroad, in particular, at the Faculty of Law of the University of Helsinki (Finland) in 2016, 2017, 2018, research seminars of the European Society of International Law held in St. Petersburg in 2018, in Prague in 2017. The author's textbook in Russia, "The Law of International Responsibility", written by M.V. Keshner in 2016 (Moscow: Prospect. - 326 p.), has currently undergone its third reprint.

*Academics and Legal Professionals Session II 10 April,
10:50 – 12:10 CET*



Prof. George Katrougalos is the UN Independent Expert on the promotion of a democratic and equitable international order. He is Professor of Public Law at Democritus University of Thrace and Vice-President of the International Association of Constitutional Law. A former Foreign Minister of Greece, he has held several key government positions, including Minister of Labour and Social Solidarity, Minister for European Affairs, and Minister of Administrative Reform. He was a Member of the European and Greek Parliament. At the Parliamentary Assembly of the Council of Europe (PACE) he chaired the Unified Left Parliamentary Group and the Subcommittee on the Middle East and the Arab World. Professor Katrougalos has published extensively on comparative constitutional law, globalization, and social rights and lectured widely as at many universities of Europe, Asia and the Americas.



Prof. Michael Strauss is a professor of international law and international relations at the Centre d'Etudes Diplomatiques et Stratégiques in Paris, and an invited professor of international criminal law at the Université Catholique de Lille. He has written numerous articles about economic sanctions and human rights, and for several years he served as a consultant to the OHCHR Special Rapporteur on Unilateral Coercive Measures.



Prof. Alfred de Zayas is the former UN Independent Expert on International Order (2012- 18), former Chief of the Petitions Section and Secretary of the Human Rights Committee at the Office of the High Commissioner for Human Rights, visiting Professor at numerous universities in the US, Canada, Germany and Spain. Currently professor of international law at the Geneva School of Diplomacy, author of 12 books, including “Building a Just World Order” (Clarity Press, 2021) and “The Human Rights Industry” (Clarity, 2023).



Prof. Innokenty Karandashov is an associate professor and acting head of the International Law Department of St. Petersburg State University. He holds a Candidate of Sciences in Law degree. Innokenty Karandashov is teaching Private International Law and Public International Law courses for bachelor students and some special courses related to public and private international law for master students. His areas of expertise are the law of treaties, theory of public and private international law and the application of public and private international law in the practice of courts and notaries. His academic papers concern different issues of public and private international law including ones of jurisdiction, international organisations, the right to education and the issues of representation abroad arising from powers of attorney. Innokenty Karandashov is a member of the Russian Association of International Law and the expert of Notariat project held by St. Petersburg State University within which he provides assistance to Russian notaries when they deal with complicated private and public international law issues.

*Academics and Legal Professionals Session III 10 April, 13:40
– 15:00 CET*



Prof. Attiya Waris is the only known Professor of Fiscal Law on the African continent and Kenya's second female full law professor. Her pioneering scholarly work has focused on linking finance and development through taxation, debt, illicit financial flows, and the promotion of human rights and living standards. She currently serves as Chair of the Supervisory Board of the Capabuild Foundation (Netherlands), Managing Editor of the Journal on Financing for Development (University of Nairobi), and a member of the Working Group on Debt at the Madrid Club. Professor Waris also holds the UN mandate as Independent Expert on foreign debt and human rights. She has been a founding member of several influential initiatives, including the African Tax Researcher's Network, Tax Justice Network Africa, and the House of Fiscal Wisdom, a Nairobi-based think tank focused on international fiscal architecture.



Dr. Lyla Latif, director at the House of Fiscal Wisdom, is a global tax and technology governance specialist advancing redistributive public finance for shared human development. She served as senior legal adviser on Kenya's Ministry of Information, Communication and Digital Economy Taskforce on Emerging Technologies and Data Governance. She has also worked with two Nobel Laureates to bring wider public attention to the importance of preventing revenue losses.



Prof. Steven A. Dean is an award-winning author and Professor of Law and Paul Siskind Research Scholar at Boston University. He has spoken at the United Nations and testified in Congress about the impact of racism on tax law. Dean's work forced President Biden to change course on tax havens and forced the leading international tax policymaking organization to withdraw a major marketing brochure. He led the world's foremost graduate tax law program at NYU and practiced tax with leading global law firms. He earned his law degree from Yale and has published five books, including *Racial Capitalism* and *International Tax Law: The Story of Global Jim Crow* (Oxford 2025).



Ms. Manuela Carneiro (TBC)



Prof. Dmitry V. Galushko is Professor at the International Law Department of Moscow State Institute of International Relations (MGIMO University) of the Ministry of Foreign Affairs of the Russian Federation and Doctor of Legal Sciences. Prof. Galushko is the author of over 120 scholarly and educational publications, including five monographs, published in Russia and abroad. His research interests lie at the intersection of public international law, international economic law and integration law, with a focus on the correlation between international and national legal systems, disintegration processes and the evolution of legal orders under the pressure of contemporary challenges, in particular the impact of restrictive measures on national security.

*Academics and Legal Professionals Session IV 10 April,
16:00 – 17:20 CET*



Prof. Pouria Askari is Professor of Public International Law at Allameh Tabataba'i University (ATU) and a Visiting Professor at Islamic Azad University and Tarbiat Modarres University. His expertise spans International Human Rights Law, International Humanitarian Law, and the International Law of Foreign Investment. A prolific author, Mr. Askari has published numerous books and articles and has been a speaker and trainer at various conferences. He serves as Secretary-General and board member of the Iranian Association for UN Studies (IAUNS) and a member of the Executive Council of the Asian Society of International Law (ASIANLIL). Additionally, he is an Editorial Board Member of the International Law Review Journal (ILR), the Iranian Review of UN Studies (IRUNS), and the Korean Journal of International and Comparative Law (KJICL). He also serves as editor-in-chief of two international law blogs run by the IAUNS and ASIANLIL. Mr. Askari is a lawyer at the Iranian Central Bar Association and an arbitrator at the Iran Chamber of Commerce. He also has experience as a legal advisor for the International Committee of the Red Cross in Iran.



Dr. Natalya Maroz is Associate Professor of International Law at the Faculty of International Relations, Belarusian State University, and holds a PhD in Law. Her research focuses on public international law, international criminal law, and the legal regulation of information security. She is a member of the Scientific Advisory Council under the Ministry of Foreign Affairs of Belarus and has coordinated several international academic projects.



Ms. Fatima Rodrigues is the Ignacio Ellacuría, S.J. Chair in Social Ethics in the Philosophy Department at Loyola University-Chicago. She has published extensively in the field of economic sanctions. Her publications include *Invisible War: The United States and the Iraq Sanctions* (Harvard University Press). Her publications include articles in *Le Monde Diplomatique*, *Georgetown Journal of International Law*, *Journal of International Development*, *Social Research*, *Harvard International Law Journal*, *Ethics and International Affairs*, *Fletcher Forum of World Affairs*, *Yale Journal of International Affairs*, *Yale Human Rights and Development Law Journal*, and *Global Governance*.



Dr. Bo Yi is an Associate Professor of International Law at Southeast University Law School in Nanjing, China, where he is affiliated with the Institute for Human Rights and the Institute for the Development of Socialism with Chinese Characteristics. He also practises law at Jiangsu Yiyou Tianyuan (Nanjing) Law Firm. His research covers sovereign immunity, international investment arbitration, the right to development, and the interplay between unilateral sanctions and private law remedies. He has represented NGOs at sessions of the UN Human Rights Council and has spoken at international forums on global governance, including events in Geneva and Brazil. He teaches International Economic Law and courses on legal negotiation and mediation at Southeast University, and has conducted visiting research in the United States.



Ms. Jiali Xiao is a Ph.D. student in International Law at Hunan Normal University, specializing in Private International Law. Her research interests include cross-border legal issues and the protection of rights in transnational contexts. She participated in the English edition of the ICC International Moot Court Competition, where her team won the Award for Best Memorial. She also contributed to the editorial proofreading of an English commentary on the Civil Code.



Mr. Mohammad Kanfash is a practitioner and doctoral candidate at Utrecht University's Center for Conflict Studies, where he previously held roles in research and teaching. His current work explores the use of sanctions in the context of the Syrian conflict.



Dr. Alexandra Hofer is an assistant professor in public international law at Utrecht University. Her area of expertise is on the legality of unilateral sanctions under public international law, which she has written about extensively. Her research also considers these measures' broader policy and humanitarian consequences, advocating for legal reform.

Part III

Guiding Principles On Humanitarian Action In The Unilateral Sanctions Environment

I. Context

1. Objective

1.1 The present Guiding Principles on humanitarian action in the face of unilateral sanctions and over-compliance (hereinafter the Guiding Principles) seeks to set out key principles and a normative framework for the protection of timely and effective humanitarian action in sanctions contexts and environments. It also seeks to highlight the obligations and responsibilities of all relevant stakeholders, in accordance with international law.

1.2 The proposed principles and normative framework are anchored in the core principles of humanitarian action, namely humanity, neutrality, impartiality, and independence, and reflect key challenges experienced by humanitarian actors in their efforts to secure continuous and unfettered access to regions and populations in need of humanitarian assistance.

1.3 In addition to the restrictions and prohibitions stipulated in different sanctions regimes, the Guiding Principles shed light on the “chilling effects” of such measures that exacerbate uncertainty and fear among humanitarian actors operating in sanctions contexts and environments, resulting in over-compliance and, in certain cases, complete discontinuation of life-saving humanitarian projects.

2. Humanitarian context

2.1 In 2025, one in 25 people around the world was in dire need of humanitarian assistance, which translates into a staggering 300 million people. Furthermore, one in every 67 people, approximately 122.6 million people worldwide, has been forcibly displaced as a result of persecution, conflict, violence, human rights

violations, natural disasters, or other push factors, nearly double the one in 125 people a decade earlier. The number of refugees and people in need of international protection is more than 43 million, while the number of internally displaced persons rose to more than 68 million. At the same time, more than 2.3 billion people globally face food insecurity, with more than 282 million people across 59 countries and territories suffering from high levels of acute food insecurity requiring urgent assistance.

2.2 There are a dozen humanitarian hotspots that deserve sustained international attention and support, while more than 210 million people live in contested zones and areas controlled by armed groups; 90 per cent of them live in countries with humanitarian response plans.

2.3 In the current alarming global trends of rising conflict and violence, widespread and intensifying climate change and disasters, and the extension of unilateral sanctions regimes that often isolate States in need from any access to assistance, humanitarian action and international cooperation and solidarity for prompt and effective emergency response are of critical importance to safeguard the well-being of hundreds of millions in need, as well as to support national efforts and policies in this regard.

2.4 In this context, the proliferation, expansion, and complexity of unilateral coercive measures, in the forms of unilateral economic, trade, financial, sectoral, and targeted sanctions, and sanctions-related prohibitions and restrictions, means of their enforcement, maximum pressure campaigns, the qualification of States as States sponsoring terrorism, and the consequent over-compliance have together further undermined the scope, timeliness, and efficiency of humanitarian assistance, and seriously challenged the fundamental principles of humanitarian action, namely humanity, impartiality, neutrality, and independence. Several of today's humanitarian hotspots are experiencing multifaceted sanctions-related restrictions, which narrow the humanitarian space, increase humanitarian actors' costs, heighten regulatory, operational and reputational risks, including risks for civil and criminal liabilities, and affect humanitarian actors' safety and security.

3. Main Challenges Faced by Humanitarian Actors

In the unilateral sanctions context, humanitarian actors face multifaceted challenges in the exercise of their humanitarian activity. A non-exhaustive list of such challenges is presented here:

- Extreme difficulty navigating and keeping abreast of the ever-changing and rising number of complex and overlapping unilateral sanctions regimes;
- Challenges to understand sanctions regulations and humanitarian exemption provisions, absence of clear guidance by sanctioning authorities;
- Compounded complexity due to the interplay between sanctions regimes and other programmes and regulatory frameworks, including counter-terrorism financing and money laundering;
- Complex, costly, and time-consuming humanitarian licensing procedures, absence of clarity about mechanisms;
- Donors’ conditionalities and narrow interpretations of the scope of humanitarian action and of the types of humanitarian interventions;
- Access restrictions due to sanctions-related prohibitions or restrictive measures pertaining to engagement with designated entities and individuals, or access to areas where they have influence;
- Burdensome reporting requirements, including screening or vetting of implementing partners and beneficiaries;
- Strict earmarking of funds, not providing for any reconstruction and development, which may undermine the principles of humanitarian action, as well as flexibility and responsiveness in very dynamic humanitarian contexts;
- Over-compliance and zero-risk policies by banks and other businesses handling financial transactions and participating in supply chains critical to the effective and timely delivery of humanitarian assistance, as well as by donors;
- Complicated, lengthy, and costly financial transactions, delivery and insurance of humanitarian cargoes, visa and admissions restrictions and repercussions;
- Reputational damage and security risks, due to the changing environments

in sanctions regimes and the different interpretations about the scope of humanitarian action, the types of permissible interventions and geographic areas of operation;

- Risk of exposure to civil or criminal liability for alleged violations of sanctions and counter-terrorism programmes and regulations, in the performance of their principled humanitarian work;
- Absence of mechanisms for the effective remedy and redress for the damage caused to humanitarian actors as a result of sanctions and over-compliance with such measures;
- Challenges and risks in interactions with local partners.

4. Normative framework

The provisions contained in this document are anchored in the Charter of the United Nations, international human rights and humanitarian law, fundamental principles and other peremptory norms of international law, international treaties and customary rules of international law, and general principles of law recognized by all nations. They also seek to draw specifically from and expand on:

- the principles of humanitarian work set forth in UN General Assembly Resolution 46/182 (1991)¹ and other international legal instruments;
- the International Bill of Human Rights² and the core human rights treaties;
- international humanitarian law³;
- the law of refugees⁴;
- the international framework for sustainable development⁵;
- UN Security Council Resolutions 2615 (2021)⁶, 2664 (2022)⁷, 2761 (2024)⁸, etc.;

¹ Strengthening of the coordination of humanitarian emergency assistance of the United Nations, Resolution 46/182 of 19.12.1991, <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/582/70/IMG/NR058270.pdf?OpenElement>

² International Bill of Human Rights, <https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights>

³ Geneva Conventions 1949 and their Additional Protocols of 1977 and 2005 etc.

⁴ Convention relating to the Status of Refugees 1951 and the Protocol Relating to the Status of Refugees 1967

⁵ UN General Assembly resolutions 70/1 (2015), https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf, as well as subsequent relevant resolutions

⁶ UN Security Council Resolutions 2615 (2021), [https://docs.un.org/en/S/RES/2615\(2021\)](https://docs.un.org/en/S/RES/2615(2021))

⁷ UN Security Council Resolutions 2664 (2022), [https://docs.un.org/en/S/RES/2664\(2022\)](https://docs.un.org/en/S/RES/2664(2022))

⁸ UN Security Council Resolutions 2761 (2024), [https://docs.un.org/en/S/res/2761\(2024\)](https://docs.un.org/en/S/res/2761(2024))

- UN human rights, prevention and improvement action⁹;
- the law of international responsibility¹⁰;
- protection and humanitarian action¹¹; sanctions, business, and human rights¹²;
- finance and unilateral sanctions¹³, etc.

5. Actors

The provisions of this document are addressed to:

- States, groups of States, and international organizations, including when acting to implement sanctions of the UN Security Council;
- All business enterprises, banks, and financial organizations, regardless of their size, scale, areas and regions of operation, place of incorporation and headquarters, corporate structure, and applicable jurisdiction;
- The United Nations and its organs and agencies, other international intergovernmental organizations, and non-governmental organizations;

⁹ 'Human Rights Up Front' Initiative, [https://www.un.org/sg/en/content/human-rights-front-initiative#:~:text=Human%20Rights%20up%20front%20is,%2C%20development%2C%20and%20human%20rights; UN Secretary-General's Call to Action for Human Rights, <https://www.un.org/en/content/action-for-human-rights/index.shtml>; United Nations Agenda for Protection - Strengthening the ability of the United Nations System to protect people through their human rights, <https://www.ohchr.org/en/documents/tools-and-resources/united-nations-agenda-protection-strengthening-ability-united-nations>](https://www.un.org/sg/en/content/human-rights-front-initiative#:~:text=Human%20Rights%20up%20front%20is,%2C%20development%2C%20and%20human%20rights;UN Secretary-General's Call to Action for Human Rights, https://www.un.org/en/content/action-for-human-rights/index.shtml; United Nations Agenda for Protection - Strengthening the ability of the United Nations System to protect people through their human rights, https://www.ohchr.org/en/documents/tools-and-resources/united-nations-agenda-protection-strengthening-ability-united-nations)

¹⁰ Draft Articles on Responsibility of States for Internationally Wrongful Acts 2001, https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf

¹¹ Draft Articles on the Protection of Persons in the Event of Disasters (2016); Statutes of the International Red Cross and Red Crescent Movement (1986, amended), https://legal.un.org/ilc/texts/instruments/english/draft_articles/6_3_2016.pdf ; IASC Policy: Protection in Humanitarian Action <https://interagencystandingcommittee.org/sites/default/files/migrated/2020-11/IASC%20Policy%20on%20Protection%20in%20Humanitarian%20Action%2C%202016.pdf>; IASC Guidance on Strengthening Participation, Representation and Leadership of Local and National Actors, <https://interagencystandingcommittee.org/operational-response/iase-guidance-strengthening-participation-representation-and-leadership-local-and-national-actors>; IASC Guidance to Humanitarian Coordinators on the Impact of Sanctions and Counterterrorism Measures on Humanitarian Operations, <https://interagencystandingcommittee.org/collective-advocacy/iase-guidance-humanitarian-coordinators-impact-sanctions-and-counterterrorism-measures-humanitarian>; Declaration for the Protection of Humanitarian Personnel 2025, <https://www.foreignminister.gov.au/minister/penny-wong/media-release/declaration-protection-humanitarian-personnel>; <https://www.icvanetwork.org/uploads/2021/09/NGO-Humanitarian-Reform-Principles-of-Partnership.pdf>; Principles of Humanitarian Donorship, <https://www.ghdinitiative.org/ghd/gns/principles-good-practice-of-ghd/principles-good-practice-ghd.html>; The Sphere Handbook, <https://spherestandards.org/handbook-2018/>; Reference Guide on Normative developments on the coordination of humanitarian assistance 2009, https://www.unocha.org/attachments/db62c3d6-0600-3eb3-a255-6df86c8d355d/Full_Report.pdf

¹² The Guiding Principles on Sanctions, Business and Human Rights 2025, <https://www.ohchr.org/sites/default/files/documents/issues/ucm/events/international-conf-sanctions-business-hr/gps-sanctions-business-hr.pdf>

¹³ <https://www.ohchr.org/en/documents/thematic-reports/ahrc5245-non-binding-set-practical-guidelines-efficient-asset-recovery>

- Donors of humanitarian assistance, regardless of their status under international law;
- Non-governmental humanitarian actors (international, national, and local), including NGOs, associations, faith-based organizations, and other groups involved in humanitarian response and preparedness;
- National human rights institutions, including human rights commissions and ombuds institutions, as well as consultative and advisory bodies;
- Academic institutions and think tanks working on different areas including but not limited to international relations, human rights, foreign policy, social policy, economics, trade, environment, technology, and energy.

6. Disclaimer

Nothing in this document shall in any way be taken or interpreted as a direct or implicit recognition of the legality or legitimacy of any form of unilateral coercive measures, means of their enforcement in any form, compliance, or over-compliance with such measures.

7. Glossary

Conditionality – the promise or provision of support (including funding) in the case of compliance by a recipient of this support with conditions set by a donor, or its withdrawal/reduction in the case of non-compliance.

Due diligence (businesses) – an obligation of businesses to take all measures necessary to ensure that their activity and business policies do not violate human rights.

Due diligence (States) – an obligation of conduct under international law to take all measures necessary to ensure that any activity under their jurisdiction and control does not violate international obligations or fundamental human rights.

Due diligence (humanitarian actors) – an obligation of humanitarian actors to take all measures necessary to ensure that their actions and policies do not violate human rights, resolutions of the UN Security Council, or humanitarian principles.

Essential good or service – a product or service which is necessary for basic human survival and well-being, including *inter alia* food, water, medicine, medical equipment, and equipment for the maintenance and delivery of basic utilities and critical infrastructure and services relevant to healthcare, nutrition, and food production, electricity, water supply and sanitation, heating, transportation, and others. In the current context of global interconnectivity and advanced technological integration, access to information and communications technology is of critical importance for humanitarian coordination, training, and effective and timely humanitarian action.

Humanitarian action encompasses the provision of assistance, protection, services, and advocacy to help affected people survive, recover, and rebuild their lives with dignity and reinstate their lost humanity from situations such as, but not limited to, military conflicts or State, natural, or man-made disasters.

Humanitarian actors (or responders) – a wide range of impartial international or national organizations and associations, as well as individuals striving to enable humanitarian assistance and services to be channeled to places and people in need.

Humanitarian donor – an individual, organization or entity that provides a financial, material or in-kind contribution to support the delivery of humanitarian assistance and the work of humanitarian actors.

Humanity constitutes the fundamental principle of humanitarian action. It is anchored on the premise that all human beings are born free and equal in dignity and rights. It reaffirms the **humanitarian imperative**: that action should be taken to prevent or alleviate human suffering, in all circumstances and whenever it is found, and that nothing should override this principle. It prescribes recognising the rights of all people affected, including the right to life with dignity, the right to receive humanitarian assistance, and the right to protection and security.

Humanitarian carve-outs – exceptions, exemptions/general licenses and derogations/specific licenses which are specified in sanctions programs in order to facilitate the continued flow of goods and services of a humanitarian nature and the work of humanitarian actors.

Impartiality principle – specifies that humanitarian action must be provided based solely on need, with particular attention to those most in need, and with priority given to the most urgent cases, without discrimination on any grounds,

including nationality, race, gender, religion or belief, political opinion, or class.

Independence principle – requires humanitarian action and actors to be autonomous from political, economic, military, or other objectives. They must not be subject to control, subordination, or influence by other actors’ objectives or motivations in the areas where humanitarian action is implemented.

License – for the purpose of this document, any sort of permission regardless of its name, structure, or form of issuing authority, providing for the possibility to make any type of transaction, including but not limited to procure, insure, and deliver goods, including via humanitarian action, to countries under sanctions.

Neutrality principle – means that humanitarian action must not favour any side or party in a conflict or other dispute, and instead must be provided solely based on need, without discrimination. Humanitarian actors should not engage at any time in political, religious, racial, or ideological controversies, but rather strive to secure access to areas and people in need.

Over-compliance – a type of behavior that is more restrictive than sanctions’ provisions, often to minimize the risk of penalties for inadvertent violations, and/or to avoid reputational risks that can arise from dealing, or having any other nexus, with a State, entity, or individual under sanctions, or because the complexity and uncertainty of sanctions, and/or high penalties as a form of sanctions enforcement, make effective compliance too costly or risky.

Protection – all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. international human rights law, international humanitarian law, international refugee law). Protection includes efforts pursued by humanitarian actors in all sectors to ensure that the rights of affected people and the obligations of duty bearers under international law are understood, respected, protected, and fulfilled without discrimination.¹⁴

Unilateral coercive measure – any type of measure or activity by States, groups of States, or regional organizations which is applied without or beyond the authorization of the UN Security Council, regardless of the announced purpose or objective, and which is not in conformity with international obligations of the

¹⁴ According to the Inter-Agency Standing Committee (IASC), the protection of all persons affected and at-risk is at the center of humanitarian action, it should inform humanitarian decision-making and response, and it should be part of preparedness efforts, immediate and life-saving activities, and throughout the duration of a crisis and beyond, *IASC Policy: Protection in Humanitarian Action*, October 2016.

sanctioning actor, or the illegality of which is not excluded on grounds of the law of international responsibility. Such measure or activity includes, but is not limited to, economic, financial, trade, political, or any other more or less comprehensive or targeted measure, applied against a State or non-State actor or entity, in order to induce a change in policy or behaviour, to obtain subordination (including State sovereign rights), to secure advantages of any kind, and/or to coerce or punish.

Unilateral sanction – a measure undertaken by a State, group of States, or a regional organization without or beyond the authorization of the UN Security Council, without prejudice to its legality or illegality.

Zero-risk policy / de-risking – in sanctions-related contexts, an act or a set of acts, mainly by financial institutions and other businesses, aiming at restricting or even interrupting or completely discontinuing relationships with customers (governmental or non-governmental), out of fear of possible violations of existing regulations, and for other reasons. The customers may be States, entities, or individuals under sanctions or under the risk of sanctions. In certain extreme cases, it may be triggered by any indicator linking the concerned entity or individual with a sanctioned State, entity or individual.

II General Framework and Principles

8. Respect of humanitarian principles in a sanctions environment

8.1 Humanitarian action in a unilateral sanctions environment shall be organized in full conformity with principles of humanity, neutrality, impartiality, and independence, constituting the fundamental principles of humanitarian action as well as standards of humanitarian access and protection.

8.2 Access to humanitarian assistance and humanitarian relief shall be granted in any and all circumstances to all persons in need, without any discrimination or distinction, in accordance with the principles of humanitarian assistance: humanity, neutrality, impartiality, and independence.

8.3 All people in humanitarian need, individually and in community with others, should be treated with respect and dignity, in accordance with humanitarian and human rights principles and standards, without discrimination or distinction of any kind, including in countries under unilateral coercive measures along or

together with other types of emergencies (military conflict, natural emergency, etc.).

8.4 Due to the clear relationship between an emergency, rehabilitation, and development, humanitarian assistance shall in no way be limited to food and medicine but rather include the whole scope of essential goods necessary for the survival of the population, reconstruction, and maintenance of critical infrastructure as well as development. Sustainable development is critical for disaster preparedness and response¹⁵.

8.5 All actors, including governmental and non-governmental stakeholders, involved in the delivery of humanitarian assistance should ensure that their actions are human-centered and prioritize the effective response to human suffering in all circumstances and whenever it is found, with particular attention to those most in need and in vulnerable situations, including refugees and internally displaced persons.

8.6 Human dignity and respect for human rights should prevail over any political, economic, or other considerations and objectives, both internal and external, including commercial and risk assessment policies by businesses and the financial sector.

8.7 Acts and policies that fail to respect the principle of humanity may constitute violations of public international law, including but not limited to international human rights law, international humanitarian law, international refugee law, and international criminal law. Applicable international law operated within the delivery of humanitarian assistance in the face of unilateral sanctions and over-compliance shall in no way be limited to international humanitarian law only.

8.8 No “good intentions,” “high goals,” or “common goods policy” can justify the use of unilateral measures that result in the violation of human rights and of the principle of humanity.

8.9 UN Security Council resolutions, including those relevant to humanitarian action, shall be implemented by all actors in good faith, with due respect for the Charter of the United Nations and for the competence and authority of the UN Security Council. All stakeholders are under an obligation to fully implement all existing or future humanitarian resolutions and provisions of resolutions of the

¹⁵ OCHA, Guiding Principles annexed to UNGA Resolution 46/182 “Strengthening of the coordination of humanitarian emergency assistance of the United Nations”, para. 9-10.

UN Security Council, including resolution 2664 (2022)¹⁶.

8.10 Unilateral sanctions, means of their enforcement or over-compliance, including prohibitions of money transfers, delivery or insurance, requests for multiple or costly licenses, and preventing the delivery of humanitarian assistance under resolutions of the UN Security Council, shall be lifted as they are contrary to art. 25 of the UN Charter. States and regional organizations are obliged to ensure that all private actors under their jurisdiction and control fully comply with humanitarian resolutions of the UN Security Council.

8.11 People in States affected by unilateral sanctions, and in the absence of sanctions of the UN Security Council, shall enjoy humanitarian assistance regimes not less favorable than those proposed in the face of military conflicts or natural, anthropological, or any other type of emergency in countries under sanctions of the UN Security Council. They shall fully benefit from the principle of humanity and access to humanitarian aid and assistance.

8.12 In the face of an undeniable negative humanitarian impact of unilateral sanctions, means of their enforcement or over-compliance, references to the absence of reliable data on such impacts or of the unintended effect on human rights cannot be used as a ground to limit the applicability of principles of humanitarian assistance and action to the states under sanctions.

8.13 Invention of new terminology or misuse of existing terms in a manner not traditional for humanitarian action is contrary to international law if used to avoid international responsibility, and shall not be done.

9. Positive obligation to protect

9.1 Unilateral sanctions as well as geopolitical concerns shall not be taken into account when deciding on the delivery of humanitarian assistance. Humanitarian assistance shall be delivered in full respect to a need-based approach without any conditionalities for the activity of international, national, and local humanitarian actors.

9.2 In the case of armed conflict or of natural or man-made disasters, all actors shall pay due account to the obligation to rescue human lives when deciding on their operational policy. As a part of this obligation, States are to refrain from the imposition,

¹⁶ Resolution 2664 (2022), [https://docs.un.org/en/S/RES/2664\(2022\)](https://docs.un.org/en/S/RES/2664(2022))

enforcement or implementation of unilateral coercive measures and shall take all measures necessary to avoid or minimize over-compliance by private actors under their jurisdiction and control.

9.3 The United Nations Development Program (UNDP), World Health Organization (WHO), International Labour Organization (ILO), UN Office for Coordination of Humanitarian Affairs (OCHA), the Department of Economic and Social Affairs (DESA), and other relevant UN organs and agencies are under a positive obligation to include the issue of the humanitarian impact of unilateral coercive measures in their agendas and to address it accordingly in their humanitarian emergency response plans to ensure proper remedial acts.

9.4 Invention of new terminology or misuse of existing terms in a manner not traditional for humanitarian action is contrary to international law if used to avoid international responsibility, and shall not be done.

10. Universality, inalienability, indivisibility, and interdependence of human rights

10.1 All persons shall enjoy all human rights enshrined in the International Bill of Rights, regardless of the aims of any sanctions policy, the implementation and enforcement of relevant sanctions, or over-compliance with the latter.

10.2 All actors, including governmental and non-governmental stakeholders, involved in the delivery of humanitarian assistance should respect the universality and inalienability of human rights based on the fundamental premise that everyone is born with and possesses the same rights, without discrimination on any grounds.

10.3 In sanctions environments and contexts, the design, funding, and delivery of humanitarian assistance should not be determined by narrow interpretations or a hierarchical order of human needs and rights to comply with sanctions-related restrictions and prohibitions. They should instead be anchored on the indivisibility and interdependence of human rights and the well-being of those in need.

10.4 Interpretations of human needs should be holistic and inclusive, and they should be anchored in international humanitarian and human rights law. Aside from context-specific adaptations, such interpretations should not be contingent upon or driven by any political, economic, or other priorities or goals.

10.5 Defining humanitarian needs should also be anchored in a solid

understanding of local contexts, culture, independent assessments, and the diverse capacities, vulnerabilities, needs, and risks faced by affected individuals and communities residing in areas when humanitarian action takes place.

10.6 Any procedure, condition, or requirement regarding the work of humanitarian actors should pay particular attention not only to possible adverse operational effects and implications, but also to humanitarian exigencies and human rights obligations. Any requirement about vetting or screening of beneficiaries threatens the impartiality, neutrality, and independence of humanitarian actors and is not acceptable.

11. Principle of non-discrimination

11.1 All stakeholders involved in the design, funding, and delivery of humanitarian assistance should act in accordance with existing international human rights/protection principles and standards, including the principle of non-discrimination of beneficiaries based on birth, race, color, ethnicity, citizenship, national or social origin, religion, age, gender, language, disability, health status, political or other opinion, or any other recognized ground.

11.2 Humanitarian action should be conducted, and humanitarian assistance should be provided, based solely on and in proportion to need, and without sanctions' conditionalities or restrictions decided and imposed unilaterally. Conditionalities or restrictions not anchored in international humanitarian and human rights law constitute violations of the principle of non-discrimination.

11.3 Humanitarian actors should not be forced or pressured to align the type and scope of their work and interventions, as well as the pool of beneficiaries, or targeted communities/geographic areas, with any stipulated unilateral sanctions restrictions or prohibitions or with any other policies that may undermine their principled humanitarian work.

11.4 Humanitarian actors shall not be requested to undertake any monitoring, profiling of or reporting on the final beneficiaries to the states or regional organizations imposing or enforcing unilateral sanctions. Humanitarian assistance providers shall only use reasonable efforts to minimize the accrual of any benefits prohibited by sanctions of the UN Security Council¹⁷.

¹⁷ UN Security Council Resolution 2664(2022), para. 3, [https://docs.un.org/en/S/RES/2664\(2022\)](https://docs.un.org/en/S/RES/2664(2022))

12. Accessibility and adequacy of humanitarian assistance

12.1 Access to humanitarian assistance must be provided in a timely way in all circumstances and to all persons in need, including persons under sanctions, without any discrimination or distinction, in accordance with the core humanitarian principles: humanity, neutrality, impartiality, and independence.

12.2 Obstruction of humanitarian assistance is prohibited. No grounds or intentions can justify any impediment to the delivery of adequate humanitarian assistance and the safe and unimpeded access of humanitarian actors to regions and populations in need, including in countries under unilateral sanctions. All actors are under the due diligence obligation to take all steps necessary to ensure that the delivery of humanitarian assistance is not obstructed.

12.3 Any reprisals or penalties for humanitarian work and/or assistance in the delivery of essential goods and services in sanctions environments are prohibited. Delivery of humanitarian assistance by impartial humanitarian organizations shall not in any way be interpreted as circumvention of sanctions regimes. Denial of visas, of simplified visa application processes, or of access to the sanctioned states, freezing assets, or any other negative risks for humanitarian actors shall be viewed as impediments to humanitarian access under UN humanitarian standards.

12.4 Populations in need, in countries or regions affected by unilateral sanctions, should enjoy the benefits of humanitarian action the same way as anywhere else. In a state of emergency, states under sanctions shall be guaranteed the same rights to benefit from international humanitarian response, development, emergency, relief or any other funds both universal and regional, as any other state.

12.5 Under no conditions or reasons can humanitarian action in peacetime and in the absence of resolutions of the UN Security Council be less adequate, relevant, or of lower quality than assistance provided during a period of military conflict or under humanitarian resolutions/provisions of humanitarian resolutions of the UN Security Council.

13. Precautionary principle

13.1 The lack of full scientific certainty about a specific negative humanitarian impact shall not be used as a reason/ground for overlooking or dismissing humanitarian concerns and for not undertaking all appropriate measures to eliminate or minimize over-compliance with sanctions and their adverse humanitarian impact.

13.2 All stakeholders should take all necessary precautionary measures and perform ongoing humanitarian impact assessments when formulating and implementing any measures and actions within the UN Security Council's sanctions frameworks or when acting unilaterally, and should reformulate them or adjust their enforcement as appropriate to avoid any negative impact on human rights and humanitarian conditions of the affected people.

13.3 States, in cooperation with UN agencies and humanitarian actors, shall not be prevented from preparing and implementing humanitarian emergency preparedness and response plans. Effective crisis preparedness and readiness require humanitarian interventions to be free from complex and unclear sanctions and counter-terrorism prohibitions, access restrictions, conditionalities disregarding humanitarian principles, and fear of civil or criminal liability.

13.4 Without prejudice to their legality or illegality, unilateral sanctions should not undermine preparedness and/or anticipatory actions by humanitarian actors in sanctioned countries or regions, particularly to prevent or reduce acute humanitarian impacts of increasingly intense and frequent climate-related disasters.

13.5 States and regional organizations implementing sanctions (UN sanctions and/or unilateral sanctions) should establish and/or further develop responsive and effective processes and mechanisms for information-sharing, advice, and capacity-building for all actors engaging in sanctions-related contexts and sanctions environments. The services provided should be free of charge and tailored to the specific needs of the relevant actors.

14. Dialogue and Participation

14.1 Humanitarian actors should be regularly consulted for the design, implementation, and review of sanctions frameworks and programmes, without prejudice to their legality or illegality, and of humanitarian carve-outs, and their operational and technical expertise should be duly considered and incorporated.

14.2 Consultations with humanitarian actors should be transparent, inclusive, and accessible to all humanitarian actors, including local partners, without discrimination or preferential treatment. They should enable timely engagement, involve different tools and procedures for meaningful contribution and feedback, include clear methodologies for information consideration and processing, while also determining confidentiality frameworks.

14.3 Monitoring and reporting on the adverse human rights and humanitarian impacts of unilateral sanctions, their means of enforcement and over-compliance, as well as on the effectiveness of humanitarian carve-outs, should be a regular and inclusive multi-stakeholder process, under the leadership of the UN and other international organizations, and with the involvement of humanitarian actors, local communities, and civil society from countries and regions under sanctions.

14.4 In sanctions-related contexts, humanitarian actors should not be prevented from meaningfully engaging and establishing direct and respectful relations with local communities and populations in need, including through awareness-raising and capacity-building interventions in the context of their humanitarian action.

14.5 Actors engaged in monitoring the impact of sanctions should be able to exercise their functions without fear of intimidation, threats, or interference, and not be subjected to any type of penalties.

III. Framework for States and regional organizations¹⁸

15. Human rights and rule of law

15.1 States shall always ensure that their external unilateral measures take place

¹⁸ The term “regional organizations” is used in these Guiding Principles to refer to those regional organizations which are entitled to adopt decisions directly applicable in the territory of their member states and directly creating rights and obligations of private actors. For the purpose of clarity and simplicity, the obligations of states in this section are equally applicable to regional organizations unless otherwise specifically established.

in strict accordance with international law principles, standards, and norms, of both a treaty and customary nature, including but not limited to international human rights law, international humanitarian law, and the law of refugees. Each state is under an obligation to assess whether any planned measures are in conformity with international obligations in force, both multilateral and bilateral, towards a targeted state or any other state.

15.2 No unilateral action should under any circumstance violate human rights or the lives and well-being of civilian populations, including extraterritorially. Under international law, disregard of this principle constitutes a collective punishment against civilian populations who neither have committed a crime nor bear responsibility for any alleged crime.

15.3 States shall fully implement relevant humanitarian provisions of UN Security Council resolutions in good faith, including those on humanitarian carve-outs, take all appropriate steps to fully align their national legal and policy frameworks with these resolutions and provisions and to ensure that private actors under their jurisdiction and control.

15.4 States shall not use international organizations or any international mechanisms of assessment and benchmarking¹⁹ as the means of enforcement of unilateral coercive measures.

15.5 States and regional organizations should take all necessary steps to identify and effectively address instances of over-compliance with sanctions, both UN and unilateral sanctions, involving stakeholders under their jurisdiction and/or control, particularly those instances of over-compliance hampering the timely and unhindered delivery of humanitarian assistance and of any relevant logistical and financial operations, and to take all measures necessary to prevent or minimize over-compliance with any type of sanctions.

15.6 Sanctions regimes, legislative and regulatory frameworks, and mechanisms of accountability at the national, regional, and international levels should allow for civil and criminal liability for actions taken as a result of or in over-compliance with sanctions, which give rise to violations of human rights and arbitrary and disproportionate obstructions to the timely and effective delivery of humanitarian assistance.

15.7 No reference to the unintended character of the humanitarian impact or the

¹⁹ Including but not limited to the FATF, Egmont Group tax list. OECD

lack of specific data on extraterritorial human rights effects of unilateral coercive measures can be invoked to justify or legitimize any limitations on humanitarian access, humanitarian deliveries or access to emergency and humanitarian response funds.

16. Legal certainty

16.1 Measures imposed by the UN Security Council under Chapter VII of the UN Charter shall be interpreted and implemented by States and regional organizations in good faith and consistent with their obligations under international law by means of formal legislation in clear language with the ordinary meaning to be given to the terms and precise scope of the authorization, to ensure that such measures are readily understood by all affected and are precise in their application to avoid over-compliance, and with due respect to their obligations to respect and protect human rights and human dignity.

16.2 Any unilateral measures can only be taken if they do not violate international obligations in force, by means of formal legislation, interpreted and applied in a clear and narrow way. States shall apply settled legal terms and are not allowed to use the uncertainty of legal regulation, adoption of non-binding documents, broad or bad faith interpretation, or the use of misleading concepts to enforce or encourage expanded compliance or over-compliance. States are under the obligation to take all means necessary to prevent or minimize over-compliance by private actors.

16.3 States shall provide for legal certainty in the scope and methods of compliance policies of all actors within their jurisdiction or control. Requirements for compliance policies of companies must be clear, certain and foreseeable, accessible, and adopted in the form of a legally binding document.

16.4 In addition to regular reviews and assessments of their unilateral sanctions regimes and programmes, pending their lifting, States acting individually or collectively shall formulate, adopt and make accessible general, broad, and standing humanitarian carve-outs which are to streamline and harmonize automatic authorizations across these regimes, with certainty and clarity about their content and scope.

16.5 Unilateral sanctions, means of their enforcement and over-compliance directly or via humanitarian carve-outs shall never affect the procurement or

delivery of essential goods as understood in these Guiding Principles, necessary for the survival of the population, for maintenance, reconstruction, and development of critical infrastructure, including protection, for the support of livelihoods, early recovery, and resilience, and for access to essential goods and services, among others.

16.6 In the absence of general, broad, and standing humanitarian carve-outs, or if the goods in need go beyond the notion of essential goods due to specific needs in the targeted State, States shall create fast-track humanitarian licensing mechanisms with minimal bureaucratic burden, at nominal or zero cost, to allow for the accessible, timely, and effective delivery of humanitarian assistance.

16.7 In a constantly evolving humanitarian context, sanctioning States should accommodate waivers and opt-out clauses of sanctions licenses and humanitarian carve-out requirements, to ensure the unfettered continuation of humanitarian interventions.

16.8 Sanctioning States should provide understandable and transparent information about interconnections between sanctions and other policies and programmes, including counter-terrorism and export controls, given their compounding effects on the operations of humanitarian actors. In particular, regarding export controls, sanctioning States should ensure that the prohibited goods and services do not incur an adverse humanitarian impact.

17. Protecting / safeguarding humanitarian action

17.1 States should take all necessary actions to respect and protect human rights in sanctions contexts as well as feasible precautions to minimize the adverse humanitarian and human rights impacts of unilateral sanctions, means of their enforcement, and over-compliance, with a particular focus on those most in need and in vulnerable situations.

17.2 States under sanctions bear the primary responsibility for ensuring that crisis-affected people, including vulnerable populations, benefit from the necessary assistance and protection within the maximum of resources available. When unable to fulfil its obligations, the State should facilitate the safe and unimpeded access of humanitarian actors to those in need.

17.3 Even in the context of enforcement of sanctions and other restrictive or constraining measures, States should abide by their international law obligations

and undertake all necessary measures to respect, protect, and fulfil all human rights, as well as to ensure unfettered humanitarian access and delivery of humanitarian assistance. They should refrain from undertaking legislative and administrative measures and policies that could impose restrictions on humanitarian action and threaten humanitarian actors and their work.

17.4 States should take all necessary measures to protect and further enhance inclusion and participation of all non-governmental actors engaging in humanitarian action, cooperation between humanitarian actors, and the active involvement of local partners, and should refrain from any legislative and policy measures and actions that may threaten the humanitarian space and may undermine the timeliness and effectiveness of humanitarian work.

17.5 States shall undertake all necessary measures to counter disinformation and misinformation targeting humanitarian actors and humanitarian personnel, characterizing them as high-risk stakeholders and possible transgressors of sanctions regimes, as well as potential purveyors of resources to designated entities and individuals.

17.6 States should effectively address any malicious attacks, communication, and information technology activities, including data breaches, information operations that target humanitarian organizations, disrupt their relief operations, or threaten the safety and security of their personnel, premises and assets, and ultimately their access and ability to carry out their humanitarian interventions.

17.7 States shall not block access of any States, including States under unilateral sanctions and those qualified as States sponsoring terrorism, to any development, emergency, or any other international or regional funds that are necessary for the survival and protection of the population, reconstruction of critical infrastructure, and development. Such assistance cannot be conditioned with any political action or distribution framework, different from the control or monitoring by the United Nations, or UN organs or agencies.

17.8 All sanctioning actors shall create enabling environments and maintain open channels for communication on human rights and humanitarian aspects relevant to sanctions and their implementation, including, as a primary obligation, but not limited to, the establishment of focal points with adequate financial and human resources. Focal points shall provide detailed information, clarification, and advisory services, free of charge and in a timely manner, regarding licensing, the scope of humanitarian carve-outs and relevant procedural matters, including administrative and legal procedures for de-listing of designated individuals and

entities, and arrangements to secure access to justice.

17.9 Humanitarian actors must not be forced or pressured to compromise their principled and life-saving work, or their access to areas and populations in need, as a result of unilateral sanctions, related prohibitions, or designation practices.

18. Licensing minimization and simplification

18.1 Delivery of essential goods, equipment, and spare parts, including food, medicine, medical and adaptive equipment, seeds, fertilizers, as well as machinery and equipment necessary for the maintenance of critical infrastructure and services, shall not be subjected to restriction or licensing, or made conditional upon any requirement.

18.2 When necessary, a single license shall be issued without delay and at a nominal cost. Humanitarian organizations shall not be requested to obtain multiple licenses within one or multiple jurisdiction(s) for a single delivery.

18.3 States and international organizations shall ensure that deliveries of essential goods are not prevented by sanctions or other regulatory restrictions, including, but not limited to, the prohibition of financial transactions, carriage or insurance, restrictive financial conditions for transactions, prohibitions on receiving payments from countries under sanctions, or sanctions on transport insurance.

19. Due process and fairness

19.1 States should preserve the humanitarian space and protect principled humanitarian action by refraining from any legal or policy measure that exacerbates uncertainty and over-compliance or openly criminalizes or penalizes the alleged circumvention or unintentional violation of unilateral sanctions.

19.2 States shall establish and maintain effective instruments to monitor the impact of their unilateral measures, including measures taken to ensure compliance with resolutions of the UN Security Council about the human rights situation as well as the delivery of and access to humanitarian assistance in the countries affected.

19.3 The pure humanitarian character of the work of humanitarian actors shall be presumed. The burden of proof lies with states and cannot be shifted to humanitarian actors. The latter shall not be held responsible for any alleged non-compliance or circumvention of unilateral sanctions regimes on account of performing their humanitarian work. Any penalties against humanitarian actors can only be imposed by a court of law in response to a proven breach of legal provisions that are not related to unilateral sanctions and their enforcement, and only following a thorough and impartial investigation with full observance of due process and fair trial guarantees.

19.4 States should refrain from invoking public order, national security or foreign policy considerations, as well as from exercising any type of political intervention, to bar access to evidence or information motivating civil or criminal prosecution for any reason whatsoever, including for alleged circumvention or violation of unilateral sanctions regimes.

19.5 States should establish independent, impartial, accessible, and responsive mechanisms for the timely and effective examination of complaints and any information challenging the content and scope of unilateral sanctions regimes and the veracity of sanctions-related designations, mechanisms of effective remedy, access to justice and redress for violations of human rights and the rights of humanitarian actors.

19.6 States are obliged to ensure that humanitarian organizations as well as donors and beneficiaries of humanitarian assistance do not face any penalties for their humanitarian work or for the submission of information about the negative impact of unilateral sanctions, means of their enforcement and over-compliance on human rights and humanitarian work, or for the submission of any complaints or appeals.

IV Framework for the United Nations and other International Organizations

20. Protection and support of principled humanitarian action

20.1 The United Nations, its organs and agencies as well as other relevant international organizations should engage in dialogue with:

- States and regional organizations applying and enforcing unilateral sanctions, for the purpose of encouraging them to adhere to the rule of

international law in their foreign policies, to ensure unhindered, timely, and effective delivery of humanitarian assistance, humanitarian access, and protection, and to establish a transparent and objective reporting and monitoring mechanism on the humanitarian impact of unilateral sanctions as well as the impact on humanitarian action;

- States and regional organizations applying unilateral sanctions, towards further development and implementation of standing humanitarian carve-outs, with broad definitions about humanitarian assistance and humanitarian needs, and their replication for other restrictive measures, such as counter-terrorism measures; and

- States affected by sanctions, to mitigate their adverse human rights and humanitarian impact on crisis-affected people and to ensure accessibility and effectiveness of humanitarian action.

20.2 The United Nations should promote a transformative solutions-oriented vision of human rights, where the latter must be considered fully in all UN decision-making, operations, and institutional commitments, including the UN programme in crisis situations.

20.3 In line with the fundamental purposes of the United Nations, as stated in its Charter, “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character,” UN entities should collectively support, implement, and advocate for the principled and human rights-based approaches of all humanitarian programmes in sanctions-related environments, at the country, regional, and headquarters levels, with the active participation of local actors.

20.4 The United Nations and other relevant international organizations should provide leadership, coordinate, and, when appropriate, provide all necessary operational and technical support to humanitarian actors for the effective delivery of humanitarian assistance in sanctions contexts and environments, in full respect of humanitarian principles.

21. Support for local participation/representation and enhanced capacity

21.1 United Nations and other relevant international organizations should create and further develop enabling structures and processes for the participation and representation of local and national humanitarian actors in humanitarian

coordination efforts and interventions in sanctions contexts and environments.

21.2 The United Nations and other relevant international organizations should take due account of local and national actors' understanding of local contexts and access to affected populations in all stages of humanitarian response planning and implementation. Engaging these actors without discrimination is critical to the success of humanitarian action and to its more effective and sustainable impact, especially in a sanctions environment.

21.3 The UN and other relevant international organizations should develop clear terms of reference for the participation and representation of local and national humanitarian actors in line with the *IASC Guidance on Strengthening Participation, Representation and Leadership of Local and National Actors and the Principles of Partnership*²⁰ and the 2016 Grand Bargain²¹, including in a sanctions environment.

21.4 The United Nations and other relevant international organizations should establish mechanisms and processes to effectively address logistical and technological challenges experienced by local and national humanitarian actors due to sanctions-related restrictions, including with regards to resourcing, legal expertise, advocacy messaging, access, and sharing of information.

21.5 In sanctions contexts and environments where humanitarian action takes place, the United Nations and other relevant international organizations should undertake all necessary measures and actions, individually or jointly, to support humanitarian and associated personnel, including national and local personnel, in its humanitarian activities, and to protect them against targeting, harassment, intimidation, reprisals, criminalization, or prosecution for alleged non-compliance with unilateral sanctions-related restrictions and prohibitions.

21.6 The United Nations and other relevant international organizations should work in partnerships to develop joint humanitarian advocacy strategies with member States to minimize and mitigate negative effects of sanctions and similar restrictive measures.

22. Systematic monitoring of the impact of UCMs on humanitarian action

²⁰ IASC Guidance on Strengthening Participation, Representation and Leadership of Local and National Actors in IASC Humanitarian Coordination Mechanisms, <https://interagencystandingcommittee.org/operational-response/iasc-guidance-strengthening-participation-representation-and-leadership-local-and-national-actors>

²¹ 2016 Grand Bargain, https://interagencystandingcommittee.org/sites/default/files/migrated/2017-02/grand_bargain_final_22_may_final-2_0.pdf

22.1 United Nations organs and agencies shall include the issue of the humanitarian impact and impact on humanitarian assistance of unilateral coercive measures, means of their enforcement and over-compliance in their agendas, among other factors, and encourage monitoring of the impact of such measures at the level of its country teams to collect facts, understand causality links, and ensure impartiality and comprehensiveness of the data collected.

22.2 The Office of High Commissioner for Human Rights, together with the Mandate of the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, shall maintain and develop the Sanctions Monitoring and Impact Assessment Tool²² (Monitoring Tool) as an instrument for fact-finding, assessing the impact of unilateral coercive measures and revealing causality links between unilateral measures, human rights and humanitarian access and protection. Information received via the Monitoring Tool shall be made and kept publicly available with due respect to the confidentiality of submissions.

22.3 The United Nations and other relevant international organizations, in collaboration with humanitarian actors and other relevant stakeholders, should include in their programming and reporting the systematic monitoring and assessment of impediments created by unilateral coercive measures and their impact on humanitarian work and on the timely and effective delivery of humanitarian assistance²³, including via the Monitoring tool.

22.4 Monitoring and impact assessment should be regularly undertaken, based on selected structural, process and outcome indicators, and with information enriched by submissions from all relevant stakeholders, including local, national, and international humanitarian actors, international organizations' country offices, as well as the private sector (businesses and financial institutions).

V. *Framework for businesses*

23. Human rights due diligence

23.1 Business enterprises should refrain from any act or omission resulting in the

²² Sanctions Monitoring and Impact Assessment Tool, <https://ucmmonitoring.ohchr.org>

²³ IASC Guidance to Humanitarian Coordinators - Impact of Sanctions and Counterterrorism Measures on Humanitarian Operations, <https://interagencystandingcommittee.org/sites/default/files/migrated/2021-09/IASC%20Guidance%20to%20Humanitarian%20Coordinators%20-%20Impact%20of%20Sanctions%20and%20Counterterrorism%20Measures%20on%20Humanitarian%20Operations.pdf>

violation of human rights, including extraterritorially, and shall take all necessary measures to eliminate or mitigate any adverse human rights impact that results from their implementation of sanctions measures, including extraterritorially.

23.2 Unilateral coercive measures are illegal under international law, and therefore businesses should challenge their implementation and enforcement by all available legal means.

23.3 Businesses should embed responsible anti-over-compliance business conduct into their policies and management systems in all sectors of the economy, as proposed by the Guiding Principles on Sanctions, Business and Human Rights²⁴ and a Commentary²⁵ thereto.

23.4 Businesses should undertake human rights assessments and perform human rights due diligence on all their activities which are undertaken in sanctions contexts and environments. Business conduct should not be determined by any foreign policy or other considerations motivating the application of sanctions regimes.

23.5 Business enterprises should respect human rights, including in sanctions contexts and environments. They must refrain from infringing on human rights or creating impediments to the delivery of humanitarian assistance, either due to their compliance with sanctions regimes or due to their zero-risk policies based on the fear of possible civil liability, administrative or criminal responsibility, or any other possible negative repercussions for alleged violations of sanctions regimes.

23.6 Business enterprises operating in sanctions contexts and environments should incorporate and implement the principles of humanity and non-discrimination in their policies and operations, and seek to prevent, mitigate, or remediate any adverse human rights impact which is directly or indirectly linked to their operations or their lack of.

23.7 Corporate engagement in humanitarian action should address humanitarian needs in accordance with the core humanitarian principles, instead of being based solely on commercial interests, risk assessments, or motivations. Business enterprises have a crucial role to play in protecting and reinforcing the legitimacy

²⁴Guiding Principles on Sanctions, Business and Human Rights 2025, <https://www.ohchr.org/sites/default/files/documents/issues/ucm/events/international-conf-sanctions-business-hr/gps-sanctions-business-hr.pdf>

²⁵Guiding Principles on Sanctions, Business and Human Rights. Commentary 2025, <https://www.ohchr.org/sites/default/files/documents/issues/ucm/commentary-gpssbhr-2025.pdf>

of humanitarian action and of the humanitarian system as a whole.

23.8 In relation to life-saving, essential goods and services, the termination of existing contracts, the refusal to continue supplies and services based on sanctions clauses may constitute a violation of the prohibition of discrimination and of the duty of care, especially in cases of production and supply monopolies of such goods, services, and/or equipment.

24. Zero-risk and over-compliance

24.1 Business enterprises should allocate adequate resources for the review and analysis of sanctions regimes and of sanctions-related humanitarian carve-outs, as well as for the regular assessment of the human rights impact of their operations.

24.2 Business enterprises, in particular those critical for humanitarian action and the delivery of humanitarian assistance, including but not limited to banks and other financial institutions, as well as companies in logistics, transport, insurance, and technology, should refrain from adopting sanctions-related zero-risk policies. Instead, they should undertake all appropriate measures to minimize over-compliance with sanctions prohibitions and restrictions, and to provide all required services for effective and timely humanitarian action.

24.3 Business enterprises involved in humanitarian action and/or maintaining business relationships with humanitarian actors should align their sanctions-related risk assessments with the existing multilateral humanitarian requirements and carve-outs.

24.4 Technology and communication companies, and the States in which they are registered, should effectively address the sanctions-related restrictions in information and communications technology, as well as in digital infrastructure, in sanctions contexts and environments, which undermine not only humanitarian coordination and the delivery of humanitarian assistance, but also the participation of humanitarian actors (in particular local and national ones) in humanitarian networks and operations. Any activities within the lifecycle of artificial intelligence systems, including misinformation or disinformation campaigns or the use of deepfakes that undertake to advocate for, or legitimize, the adoption of unilateral coercive measures or to induce over-compliance with them are prohibited

24.5 Business enterprises should maintain channels of communication with humanitarian actors and affected communities to ensure the effective performance of their services in sanctions contexts and environments and to mitigate miscommunication and misunderstanding about the scope and nature of humanitarian activities.

25. Obligation of performance

25.1 Contracts with humanitarian actors should not include sanctions-related force majeure, frustration, or other types of exception clauses due to their potential adverse impact on humanitarian operations and on the affected communities. Business enterprises with humanitarian engagement should refrain from entering into contractual relationships which require compliance with unilateral sanctions and narrowly interpreted humanitarian carve-outs.

25.2 Termination of existing contracts related to humanitarian action and the delivery of humanitarian assistance based on sanctions clauses, and the refusal to perform contractual services, may constitute violations of international principles and standards, including of international human rights and humanitarian law.

25.3 Business enterprises, including financial institutions, involved in projects and transactions related to the maintenance and/or development of critical infrastructure in sanctioned countries or regions should ensure that the provision of their contracted services is not conditioned by or rely on restrictions or prohibitions prescribed in sanctions regimes.

VI. Framework for Donors

26. Protection of principled humanitarian action

26.1 Donors (governmental and non-governmental) should always pay heed to the main objective of humanitarian action, which is to save lives, alleviating suffering and preserving human dignity during and in the aftermath of man-made crises and natural disasters.

26.2 In addition to the humanitarian response and the delivery of humanitarian

assistance and services, in line with Principles of Humanitarian Donorship²⁶, support to humanitarian action should also allow for interventions aiming at preventing and strengthening preparedness for any eventual occurrence of man-made crises and natural disasters, independently of the scope of sanctions-related restrictions and prohibitions.

26.3 Humanitarian donors (governmental and non-governmental) should respect and be guided by humanitarian principles by reducing earmarking, ensuring the predictability and flexibility of funding, and avoiding imposing conditionalities in line with unilateral sanctions regimes or encouraging compliance with such measures, all of which may undermine the humanitarian principles of humanity, impartiality, independence, and neutrality and generate inefficiencies.

26.4 Humanitarian donors (governmental and non-governmental) shall not impose conditionalities that are incompatible with humanitarian principles and shall not request to select, monitor and report on the final beneficiaries unless as regards the needs of the latter.

26.5 Expressed or implicit conditionalities by donors involving the screening and/or vetting of humanitarian partners and of beneficiaries of humanitarian assistance on any ground is against the principles of impartiality and non-discrimination under international human rights and humanitarian law, preventing access of beneficiaries to humanitarian assistance and reducing the ability of humanitarian actors to respond on the basis of needs²⁷.

26.6 Disclosure of any information on beneficiaries and/or partners' screening or vetting in the context of sanctions and counter-terrorism is prohibited and may pose serious risks for humanitarian actors in their community engagement and operations.

27. Promotion of inclusive and locally led humanitarian action

27.1 Local and national humanitarian actors in the countries and regions affected by unilateral sanctions regimes should not be excluded from the possibility to

²⁶ Principles and Good Practice of Humanitarian Donorship, <https://www.ghdinitiative.org/ghd/gns/principles-good-practice-of-ghd/principles-good-practice-ghd.html>

²⁷ IASC Guidance to Humanitarian Coordinators - Impact of Sanctions and Counterterrorism Measures on Humanitarian Operations, <https://interagencystandingcommittee.org/sites/default/files/migrated/2021-09/IASC%20Guidance%20to%20Humanitarian%20Coordinators%20-%20Impact%20of%20Sanctions%20and%20Counterterrorism%20Measures%20on%20Humanitarian%20Operations.pdf>

have access to funding from domestic and international donors.

27.2 Humanitarian donors should refrain from introducing conditionalities which restrict humanitarian actors' coordination and collaboration with local and national humanitarian partners and which request exclusive/discriminatory profiling of partners or unduly heavy monitoring and reporting, which could jeopardize the safety and security of affected people and staff or violate their due process rights²⁸.

27.3 Humanitarian donors should promote and establish processes and mechanisms of multi-stakeholder consultations and policy dialogue, which may involve *inter alia* exchanges of updated information about local, regional, and international trends in humanitarian action, updates on sanctions regimes and humanitarian carve-outs, as well as discussions on operational and other policy challenges, including in sanctions contexts and environments.

27.4 Humanitarian donors should maintain and further enhance coordination and collaboration with the UN and other international organizations' presence in countries and regions under sanctions to ensure effective outreach with local and national responders engaged in humanitarian action.

27.5 In their policies and donorship requirements, humanitarian donors should always take into account and support strengthening the capacity of local actors in terms of resources and expertise to navigate complex sanctions regimes and counter-terrorism frameworks and establish relevant internal control processes.

28. Access to information and funding without discrimination

28.1 Information about potential financial and other types of support for humanitarian action should be publicly available and accessible to all relevant humanitarian actors, without discrimination.

28.2 Eligibility should be based solely on criteria relevant to the experience, expertise, and program quality of the concerned humanitarian actors, and contingent upon the expected areas of engagement, always in line with the core

²⁸ IASC Study on Donor Conditions and their Implications for Humanitarian Response 2016, <https://reliefweb.int/report/world/donor-conditions-and-their-implications-humanitarian-response>

humanitarian principles.

28.3 Humanitarian donors should consider organizing joint meetings and consultations with those humanitarian actors benefiting from their financial or in-kind support and operating in sanctions contexts and environments, to explore solutions to donor conditions hampering humanitarian efforts and for cross-fertilization on good practices.

28.4 Humanitarian donors (government and non-governmental) should coordinate efforts towards the establishment of global humanitarian payment channels and mechanisms managed by independent/impartial international institutions/organizations, in order to ensure the unfettered and swift processing of financial transactions for humanitarian work.

VII *Framework for National and International Non-Governmental Humanitarian Actors*

29. Enhanced awareness and coordination

29.1 In addition to their life-saving interventions, humanitarian actors should keep abreast of developments related to both UN and unilateral sanctions regimes, without prejudice to the legality/illegality of the latter, as well as to humanitarian carve-outs, and to create collective information networks for this purpose.

29.2 Humanitarian actors should work towards the implementation of integrated strategies around the humanitarian-development nexus and should include in their advocacy on sanctions and humanitarian carve-outs this nexus and perspective. Humanitarian-development coordination, including in sanctions contexts and environments, is crucial in reducing risks and vulnerabilities while contributing to crisis prevention and recovery, particularly focusing on the most vulnerable.

29.3 In the face of shrinking spaces for effective humanitarian action, including due to multifaceted sanctions-related restrictions and the alarming gap in global humanitarian funding, humanitarian actors should work in partnerships and develop joint humanitarian advocacy strategies, coordination and planning.

30. Systematic monitoring of sanctions impact

30.1 In addition to their life-saving interventions, humanitarian actors should collect information and monitor the impact of both UN and unilateral sanctions on human rights and on the timely and effective delivery of humanitarian assistance in countries and regions affected by such measures, including via the Monitoring Tool. Such systematic monitoring as well as the collected information can contribute to documenting the humanitarian impact of unilateral coercive measures, means of their enforcement and over-compliance, establishing a body of evidence and revealing causality links that provide data for later remedies and responsibility.

30.2 Humanitarian actors should raise within UN organs and agencies issues about the impact of unilateral sanctions, means of their enforcement and over-compliance on the human rights of targeted societies and on humanitarian action, to ensure proper implementation of principles of humanitarian action.

30.3 In the process of systematically monitoring the impact of sanctions, humanitarian actors, in particular the United Nations and international non-

governmental organizations, should uphold the responsibility for duty of care for local actors as well as their humanitarian personnel. This may involve specific risk management, mitigation, and protection measures, as well as measures to address security risks, including risk of prosecution and legal liability, in sanctions contexts and environments.

VIII. Framework for National Human Rights

Institutions

31. Monitoring and reporting

31.1 Independently of their form, type, or institutional structure, national human rights institutions in countries targeted by sanctions and affected by over-compliance with sanctions should include in their independent monitoring activities and programmes the impact of such measures and conduct on humanitarian assistance and on the local and national capacities for humanitarian response.

31.2 They should add the findings and results of this monitoring in their periodic and ad hoc reports to national and international institutions, organs, and bodies, including UN organs and agencies and the Monitoring Tool. The reported information should also refer to the situation of local and national humanitarian actors and the challenges they experience in the performance of their work and mandates in the context of UCMs and over-compliance with sanctions, implementation gaps, as well as good practices.

31.3 Independently of their form, type, or institutional structure, national human rights institutions in countries implementing sanctions should include in their independent monitoring activities and programmes the impact of such measures on the work of humanitarian actors.

32. Engagement and advocacy

32.1 National human rights institutions (NHRIs) in both sanctioned and sanctioning countries should establish channels of communication with state institutions (government, parliament, and other public bodies) and national and local humanitarian actors to advise them on the compliance of sanctions-related laws and policies with national and international legal frameworks and norms.

32.2 They should establish tools and platforms for the periodic submission of information on human rights and humanitarian consequences of sanctions and over-compliance, including extraterritorially. The extraterritoriality of States' humanitarian and human rights obligations in the context of sanctions enforcement can also be assessed through NHRIs' monitoring of the conduct and operations of transnational corporations under their jurisdiction.

32.3 NHRIs in sanctioning countries should engage in dialogue with State institutions deciding on and administering sanctions programmes, advocating in favour of the lifting of unilateral sanctions and, pending their lifting, the establishment of general, broad, and standing humanitarian carve-outs.

32.4 NHRIs in both sanctioned and sanctioning countries should design and implement awareness-raising initiatives on the impact of sanctions and over-compliance on humanitarian action, the work of humanitarian actors, and the humanitarian situation of affected people, with particular focus on people in situations of vulnerability, including but not limited to women, children, persons with disabilities, refugees, migrants, minorities, and stateless people.

IX. Responsibility on humanitarian action

33. Responsibility for non-provision of humanitarian assistance

33.1 If a state of emergency is officially proclaimed in accordance with art. 4 of the International Covenant on Civil and Political Rights²⁹ in the case of armed conflict or natural or man-made disasters, all actors shall pay due account to the obligation to rescue human lives when deciding on their operational policy. Violation of this provision constitutes a violation of the principle of solidarity. Blocking access to emergency or response funds in the case of an emergency constitutes a violation of the whole scope of human rights, including the right to life, and gives rise to the responsibility of the perpetrator State.

33.2 The use of new terminology is only pertinent when there is an absence of settled language. In all other cases, all words shall be construed to be in conformity with the settled language of international law, and humanitarian action does not create any grounds to avoid responsibility or accountability under international law.

33.3 The introduction of any unilateral limitations by States (to pay, to procure, to

²⁹ International Covenant on Civil and Political Rights 1996, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

deliver, to ensure, or to distribute) or not taking measures to ensure that activity under their jurisdiction or control does not create such impediments for the delivery of humanitarian assistance under UN Security Council resolutions constitutes a violation of the relevant resolutions, acting under Chapter VII of the UN Charter³⁰ and relevant human rights.

33.4 If human rights are affected and the delivery of humanitarian assistance is impeded due to the activity of private actors, the State under whose jurisdiction and control such measures have been adopted is responsible for the violation of the obligation of due diligence and relevant human rights alongside private actors. Attempts to shift responsibility to private actors has no ground in international law.

34. Responsibility for violations of the principles of humanitarian action

34.1 Unilateral sanctions, means of their enforcement, and over-compliance preventing, postponing, or obstructing the delivery of humanitarian assistance by any means, requesting the screening or profiling on any grounds other than need, shifting responsibility, and creating a feeling of fear among donors, humanitarian and other actors constitute violations of the universally recognized principles of humanitarian assistance, resulting in the loss of life, deterioration of the life quality and other relevant human rights.

34.2 States and private actors are responsible for all human rights violations due to, and proportionate to, the level of impossibility in accessing humanitarian assistance when in need. Therefore, States can be held responsible for relevant human rights violations for breaching relevant international treaties and customary norms, including multilateral and bilateral human rights treaties.

34.3 States shall be held responsible for the violation of due diligence obligations in the case of their failure to ensure that the activity of private actors under their jurisdiction and control does not affect the delivery of humanitarian assistance;

34.4 Provisions of the Guiding Principles on effective remedy and responsibility in a unilateral sanctions environment are fully applicable to the delivery of humanitarian assistance.

³⁰ Chapter VII of the UN Charter, <https://www.un.org/en/about-us/un-charter/chapter-7>

Guiding Principles On Effective Remedy and Responsibility In The Unilateral Sanctions Environment

I. *Framework*

1. **Objective**

The Guiding Principles on effective remedy and responsibility seeks to provide specific guidelines and benchmarks for States, international (universal and regional) organizations, businesses, legal professionals, bar associations, directly and indirectly targeted individuals, humanitarian organization and any other individuals or entities. It elaborates on those whose rights have been affected by unilateral sanctions, means of their enforcement and overcompliance. The objective is to ensure the promotion, protection and respect for the right to access justice and the right to an effective remedy and redress for victims of human rights violations in the unilateral sanctions environment; and to identify the mechanisms to hold perpetrators of such violations accountable under international law.

2. **Actors**

In 2025, one These Guiding Principles are intended for:

- States, groups of States and international organizations, including when they are acting to implement sanctions of the UN Security Council,
- All business enterprises and transnational corporations, regardless of their scale, economic sector, place of operation, place of incorporation place of management and headquarters, corporate structure, or applicable jurisdiction,
- The United Nations and its organs and agencies, other international intergovernmental organizations and non-governmental organizations, donors, and humanitarian organizations,
- Individuals, including identifiable groups of individuals based on a certain criterion (patients, people with disabilities, pregnant women etc.) and communities.

- Legal professionals authorized under national law to provide legal assistance regardless of type, form or beneficiaries of such assistance, including legal advice, preparation of cases, drafting legal documents and (or) legal representation in all types court proceedings or before any bodies or agencies of states or international organizations,

- Humanitarian actors, which include a diverse range of entities, including UN agencies, NGOs and other actors. While the mandates and activities of humanitarian actors may differ from each other, all are united by their commitment to providing humanitarian assistance in accordance with the principles of humanity, neutrality, impartiality and independence.

3. Legal framework

The Guiding Principles are based on the Charter of the United Nations, the International Bill of Human Rights, fundamental principles and other peremptory norms of international law, international treaties and customary norms of international law, and general principles of law recognized by all nations. This document seeks to draw from and expand on the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (2011), Guiding Principles on sanctions, business and human rights (2025), the Articles on Responsibility of States for Internationally Wrongful Acts (2001), the Draft Articles on Responsibility of International Organizations (2011), Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005), Basic Principles on the Role of Lawyers (1990), Bangalore Principles of Judicial Conduct (2006), Measures for the effective implementation of the Bangalore Principles of Judicial Conduct (2010), the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012), UN Model Law on Legal Aid in Criminal Justice Systems with Commentaries (2017), International Principles and Guidelines on Access to Justice for Persons with Disabilities (2020), Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels adopted by UN General Assembly Resolution 67/1 (2012), as well as, but not limited to, General Assembly Resolutions 2449(1968), 60/147 (2005), 75/185 (2020), 78/227 (2023), Economic and Social Council resolution 2019/22 (2019), Commission on Crime Prevention and Criminal Justice resolution 25/2 (2016), 70/1 (Agenda for Sustainable Development, 2015), UN Security

Council Resolution 2150(2014), New Vision of the Secretary-General for the Rule of Law (2023) and other relevant documents.

4. Disclaimer

Nothing in the Guiding Principles shall in any way be taken or interpreted as a direct or implicit recognition of the legality or legitimacy of any form of unilateral coercive measures, compliance and overcompliance with such measures.

5. Coherence

5.1 These Guiding principles constitute a coherent document and shall be read, individually or in aggregate, in terms of its objectives, enhancing standards and practices with regards to rule of law and access to justice so as to achieve tangible results for affected individuals and communities with respect to redress, effective remedy and accountability, and thereby to also contribute to international and national efforts towards sustainable development, the protection of human dignity and safeguarding of humanity, and the strengthening of international solidarity and cooperation.

5.2 The Guiding Principles on Effective Remedy and Responsibility in the Unilateral Sanctions Environment is a standalone document. It can be referred to independently of other documents. However, for additional clarity it should be read and interpreted together with the Guiding Principles on Sanctions, Business and Human Rights and the Guiding Principles on Humanitarian Action in the Unilateral Sanctions

II. *Use of terms*

6. Terminology

For the purposes of these Guiding Principles terms shall be understood as follows:

Access to justice encompasses the right to a fair trial, including equal access to and equality before the courts, access to legal assistance, access to documents, evidence and other relevant material, seeking and obtaining just and timely remedies for rights violations and availability of efficient and impartial mechanisms

for the enforcement of judicial decisions.

Due diligence is an obligation of conduct of a State under international law to take all measures necessary to ensure that any activity under their jurisdiction or control does not violate international obligations and fundamental human rights.

Corporate human rights due diligence refers to an obligation of businesses to proactively identify, prevent, mitigate and account for how they address their potential and actual impacts on human rights, including to the obligation to prevent compliance with unilateral coercive measures and overcompliance.

Effective remedy refers to available adequate, sufficient, prompt and appropriate recourse for relief, including reparation, in regard to the violation of human rights, where such recourse is provided through domestic and international judicial and non-judicial bodies.

Injury includes any damage, including death, physical injury, deterioration of health status, material or moral harm

Legal aid means the provision of legal advice, assistance and representation for persons detained, arrested or imprisoned; for persons suspected or accused of, charged with or convicted of a criminal offence; and for victims and witnesses in the criminal justice process. Legal aid includes legal education, access to legal information and other services provided through alternative dispute resolution mechanisms and restorative justice processes.

Overcompliance occurs when private actors go beyond what is strictly required for compliance with sanctions, often to minimize the risk of penalties for inadvertent violations, and/or to avoid reputational risks that can arise from dealing, or having any other nexus, with a State, entity or individual under sanctions, or because the complexity and uncertainty of sanctions, and/or high penalties as a form of sanctions enforcement, make compliance too costly or risky.

Redress encompasses the concepts of “effective remedy” and “reparation.”

Reparation entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and refers to the full scope of measures required to redress violations.

Remedy may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.

Responsibility entails a set of secondary obligations on the part of states, international organizations, businesses or individuals that arise from the violation of primary duties (wrongdoing) arising out of international law.

Regional international organizations for the purposes of these Guiding Principles mean those regional organizations entitled to adopt decisions directly applicable within the territories of their member states and directly creating rights and obligations of private actors. For the purpose of clarity and simplicity, obligations of states in this section are equally applicable to regional organizations unless otherwise specifically established.

Sanctions, the UN Security Council refer to enforcement measures adopted upon decision by the UN Security Council acting under Chapter VII of the UN Charter.

Sanctions, secondary refer to unilateral sanctions imposed against States, individuals or entities who allegedly violate, circumvent, or assist in circumvention, of primary sanctions regimes as a means of enforcement of primary sanctions against primary targets.

Serious breach of an obligation arising under a peremptory norm of general international law is a gross or systematic failure by a State to comply with an obligation deriving from a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted³¹.

Unilateral coercive measures (UCMs) are any type of measures or activity applied by States, groups of States or regional organizations without or beyond authorization of the UN Security Council, not in conformity with international obligations of the sanctioning actor, or the illegality of which is not excluded on grounds of the law of international responsibility and countermeasures, regardless of the announced purpose or objective. Such measures or activities include, but are not limited to, economic, financial, political or any other sort of State-oriented or targeted measures, applied to another State or an individual, company or other non-governmental entity, in order to induce a change in policy or behavior, to obtain from a State the subordination of the exercise of its sovereign rights to secure advantages of any kind, or to signal, coerce or punish.

Sanctions, unilateral: measures taken by a State, group of States or a regional organization without or beyond authorization of the UN Security Council, without prejudice to their legality or illegality.

³¹ Under article 53 of the Vienna Convention on the Law of Treaties a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character

Victims of sanctions-related policies: persons who, individually or collectively, have suffered harm, directly or indirectly, including physical or mental injury, emotional suffering, economic or financial loss or substantial impairment of their human rights through acts or omissions as a result of the imposition of unilateral sanctions, enforcement and implementation of unilateral sanctions, overcompliance with the UN Security Council sanctions or unilateral sanctions. The term “victim” also includes affected immediate family or dependents of the victim as well as persons who have suffered harm in any way whatsoever howsoever caused, directly or indirectly harm.

III. General principles

7. Adherence to the rule of law

7.1 All states and international organizations shall adhere to the purposes and principles of the Charter of the United Nations, international law and principles of justice, and to an international order based on the rule of law.

7.2 The rule of law applies to all States equally, and to international organizations. Respect for and promotion of the rule of law and justice should guide all of their activities and provide predictability and legitimacy to their actions.

7.3 States shall respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law. States and regional organizations shall not adopt or implement any means of pressure that are incompatible with their obligations under international law, in relation to substantive content, exercise of jurisdiction or access to remedies.

7.4 Secondary sanctions, civil and criminal penalties for the circumvention of primary unilateral sanctions regimes, as well as any other mechanism for their implementation, do not form any legal basis to circumvent peremptory norms of public international law as well as other customary law or treaty obligations.

7.5 States shall take all necessary legislative and administrative measures to avoid overcompliance with sanctions.

7.6 States shall ensure that no violation of human rights arising from the imposition of unilateral sanctions, their application, the means of their

enforcement, or compliance and overcompliance with unilateral sanctions will go unpunished under national law. For that purpose, if they have not already done so, States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations.

7.7 States shall ensure that international legal norms and national legislation are interpreted in good faith and in accordance with the purposes and principles of their international obligations, including but not limited to those arising from human rights law, humanitarian law, and the law of refugees.

7.8 States shall provide for accountability- and redress-mechanisms for violations of human rights perpetrated in the context, or as a result of, sanctions policies. All those who over whom the state purports to exercise jurisdiction, and all those affected by the state's measures, shall have a right to seek redress in domestic courts. There should be no circumstances in which a state imposes sanctions, or directly or indirectly imposes penalties, without also providing full access to domestic legal redress, including constitutional rights of due process.

7.9 Sanctions, sanctions enforcement, implementation and overcompliance shall not obstruct access to justice, the administration of justice, respect for judicial procedures, and access to effective remedies in the sanctioning state.

7.10 States shall ensure, by mechanisms including established national periodic review, that any measures taken in response to unilateral coercive measures fully adhere to the criteria for countermeasures in accordance with law of international responsibility.

8. The principle of humanity

8.1 States and regional organizations shall ensure that any businesses and other entities under their jurisdiction or control act with due regard to human rights and concerns of humanity.

8.2 The principle of humanity shall prevail in any consideration of internal or foreign policy of States and international organizations and business policies of private actors.

8.3 All actors shall respect and treat all persons, individually or in community with others, with due respect for their fundamental human rights and dignity, without discrimination or distinction of any kind.

8.4 No “good intentions”, “high goals”, “promotion of democracy”, “common goods policy” or any other similar language can justify violation of human rights and of the principle of humanity.

8.5 Businesses must ensure the incorporation and implementation of the principles of humanity and non-discrimination in their internal and external documents and policies, with specific reference to humanitarian exemptions/carve-outs and the requirement of a human rights impact assessment, to avoid overcompliance and negative impacts on human rights.

8.6 Failure to respect and observe the principle of humanity may constitute involvement in breaches of public international law (including but not limited to international criminal law, international human rights law and international humanitarian law), with all criminal and civil consequences that may follow.

9. Accessibility of humanitarian assistance

9.1 Access to humanitarian assistance and humanitarian relief shall be granted in any and all circumstances, including but not limited to armed conflict and emergency situations, to all persons in need, without any discrimination or distinction, in accordance with the principles of humanitarian assistance – humanity, neutrality, impartiality, and independence – and to ensure survival, reconstruction and development.

9.2 Obstruction of humanitarian relief is prohibited. No unilateral sanctions shall be formulated or implemented in a manner that obstructs, directly or indirectly, intentionally or unintentionally, humanitarian relief or the supply of critical goods or services. Any reprisals or other penalties for humanitarian work and/or assistance in the delivery of humanitarian goods in a sanctions environment are prohibited. Delivery of humanitarian assistance shall not in any way be interpreted as circumvention of sanctions regimes.

9.3 UN Security Council resolutions, including those relevant to humanitarian action, shall be implemented in good faith, with due respect for the Charter of the United Nations, in particular its Article 25, and for the competence and authority of the UN Security Council, . All stakeholders are under an obligation to implement fully all existing or future humanitarian resolutions and provisions of resolutions of the UN Security Council, including resolution 2664 (2022) to ensure basic needs of the population.

9.4 People in States affected by unilateral sanctions shall enjoy access to humanitarian assistance on terms that are not less favorable than those proposed for states under sanctions of the UN Security Council. They shall fully benefit from the principle of humanity and access to humanitarian aid and assistance.

10. Equality of all human rights

10.1 All human rights, freedoms, and dignity enshrined in the International Bill of Human Rights (the *acquis* of the international community) shall be fully respected and protected while implementing UN Security Council enforcement measures under Chapter VII of the UN Charter, or in the course of any unilateral activity.

10.2 All persons shall enjoy all human rights enshrined in the International Bill of Human Rights, independently of the aims of any sanctions policy, or enforcement and implementation of relevant sanctions, and overcompliance with the latter. Enforcement or implementation of sanctions can not be invoked as a justification for non-performance of international obligations deriving from the International Bill of Human Rights.

10.3 All public and private actors shall respect and prioritize all human rights without discrimination when formulating and implementing sanctions and/or compliance policies.

11. Precautionary principle

11.1 All stakeholders shall take all necessary precautionary measures, and perform ongoing humanitarian impact assessments, when formulating and implementing any measures and actions within the UN Security Council's sanctions frameworks or when acting unilaterally, and shall reformulate these measures or adjust their enforcement as appropriate to avoid negative impact on human rights.

11.2 Lack of full scientific certainty about specific negative humanitarian impact shall not be used as a reason/ground for ignoring humanitarian concerns and not taking all measures necessary to avoid or minimize overcompliance and possible consequential negative humanitarian impact.

11.3 No reference to an “unintended” character of humanitarian impact shall be invoked to legalize, legitimize or justify adoption of unilateral coercive measures, enforcement or implementation of the above measures, or the failure to take all measures necessary to avoid or minimize overcompliance with such unilateral measures.

11.4 Sanctions` policies and their implementation shall not affect delivery of essential goods as being contrary to the humanity and precautionary approach per se.

12. The principle of non-discrimination

12.1 States shall not derogate from their human rights obligations, including their obligation not to discriminate against any person based on birth, race, color, ethnicity, citizenship, national or social origin, religion, age, gender, language, disability, health status, political or other opinion or other recognized ground.

12.2 Businesses shall take all appropriate measures to elaborate, monitor and implement their compliance policy aligned with a human rights based approach on a non-discriminatory basis, including extraterritorially. This approach shall apply to all operational processes, all levels of decision-making, and all products and services.

12.3 No collective punishment is allowed. Nationals or residents of countries under sanctions, relatives, friends or other affiliates of designated individuals shall not be subjected to any limitation or face negative consequences due to their place of birth, nationality, residence, IP address, personal ties or any other nexus with designated states, entities, individuals.

13. The principle of proportionality

13.1 All measures imposed by the UN Security Council under Chapter VII of the UN Charter shall be interpreted and implemented by States and regional organizations in good faith and consistent with their obligations under international law, by means of formal legislation in clear language with the ordinary meaning to be given to the terms and precise scope of the authorization, to ensure that such measures are readily understood by all affected, and are precise in their application to avoid overcompliance, and with due respect to the obligations of

States and regional organizations to respect and protect human rights and human dignity.

13.2 States shall not confer immunity on any person or entity in respect of their overcompliance with measures imposed by the Security Council under Chapter VII of the UN Charter or their purported compliance and overcompliance with unilateral coercive measures.

13.3 Any means of pressure taken by States or international organizations in the course of counter-measures shall be performed in full compliance with the standards of the law of international responsibility toward the directly injured States. Such measures must be proportionate to the injury suffered, taking into account the gravity of the internationally wrongful act and the rights in question, which are limited to non-performance for the time being of international obligations with no effect to the obligations for the protection of human rights.

14. Accessibility to information

14.1 Access to information through all types of communication services is an enabling element of all human rights. No sanctions shall interfere with the right to information through all media and all means of communication, as it is set forth in art. 19–20 of the ICCPR.

14.2 States, international organizations shall provide transparent, timely and adequate information on all matters related to sanctions, including reporting on humanitarian impacts in a free, accessible and nondiscriminatory manner.

14.3 Access to IT-platforms shall be guaranteed by the operators of those platforms.

14.4 All sanctioning actors shall create enabling environments and maintain open channels for communication on human rights and humanitarian aspects relevant to sanctions and their implementation, including as a primary obligation, but not limited to, the establishment of focal points with adequate financial and human resources.

14.5 Focal points shall provide detailed information, clarification and advisory services, free of charge and in a timely manner, regarding licensing, the scope of humanitarian carve-outs and relevant procedural matters, including administrative and legal procedures for delisting of designated individuals and entities, and

arrangements to secure access to justice of a binding character.

15. Principle of responsibility

15.1 Every internationally wrongful act of a State or an international organization entails international responsibility.

15.2 The characterization of an act of a State as internationally wrongful is governed by international law. Qualification of acts as unilateral coercive measures, or as a means of their enforcement and overcompliance, is to be done in accordance with international law. Qualification of any unilateral measures or the means of their enforcement as lawful by internal law of States does not exclude their wrongfulness under international law.

15.3 States or regional organizations with an exclusive or shared competence, which are entitled to take binding actions directly applicable on the territory of member states, are responsible for the failure to ensure that activities taken under their jurisdiction or control do not violate human rights, including extraterritorially.

15.4 Any person who is in a position to adopt unilateral coercive measures and means of their enforcement or any other person who in the course of the adoption, enforcement and overcompliance with unilateral coercive measures commits an act which constitutes a crime under international law is responsible therefore and liable to punishment. The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

16. Responsibility of businesses and other private actors

16.1 Businesses and other private actors are responsible for any act or omission resulting in the violation of human rights, including extraterritorially, due to the overcompliance with sanctions of the UN Security Council, or the compliance with, enforcement of and overcompliance with unilateral coercive measures which are illegal under international law.

16.2 Businesses are responsible for the failure to take all necessary measures to eliminate or mitigate any adverse human rights impact due to the implementation of sanctions of the UN Security Council and overcompliance with them.

16.3 Humanitarian actors are responsible to take all necessary measures to ensure that they adhere to principles of humanitarian action and protection.

16.4 Think tanks, academia and academic institutions are responsible in their academic activity in accordance with standards of academic work to ensure that any research or discussion about unilateral coercive measures, means of their enforcement and overcompliance with sanctions is done objectively and with respect to the methodology of the specific academic area to engage in rigorous and objective research.

16.5 Businesses and other private actors are responsible for human rights violations as a result of the refusal to continue supplying goods, and the inclusion of sanctions clauses in relation to the supply of essential goods and services, especially in the cases when a business is a monopolist supplier of life-saving and/or essential goods and/or equipment.

16.6 Any activities within the lifecycle of artificial intelligence systems, including misinformation or disinformation campaigns, use of deep fakes that undertaken to advocate for or legitimize the adoption of unilateral coercive measures or to induce overcompliance with them, are prohibited.

17. Principle of due diligence³²

17.1 State must ensure that all victims of human rights violations, both those directly designated and those affected by the enforcement, implementation of sanctions and overcompliance with them, have proper access to justice, with full observance of the right to a fair trial, the presumption of innocence, and procedural guarantees.

17.2 States shall implement a due diligence approach to ensure that businesses acting under their jurisdiction or control do not over-comply and do not violate human rights, including extraterritorially, including but not limited to enforcing blocking legislation prohibiting their nationals from complying or over-complying with extraterritorial unilateral coercive measures as well as over-complying with enforcement measures of the UN Security Council. States shall establish domestic mechanisms for protection of the rights of victims.

17.3 States should take all possible measures to assist businesses in their pursuit

³² Human rights obligations of businesses in sanctions environment are dealt with in the Guiding Principles for Sanctions, Business and Human Rights.

of their human rights due diligence obligations in the context of compliance policies and practices.

17.4 Businesses shall undertake due diligence procedures and methods in interpreting and implementing all requirements, exemptions, exceptions and derogations. As unilateral coercive measures are illegal under international law, businesses shall challenge their implementation and enforcement by all available legal means. All the actual impacts that have already occurred due to the failure to exercise corporate due diligence should be subject to remediation by businesses.

17.5 The United Nations is under a due diligence obligation to ensure that UN organs, organizations and agencies as well as UN partners do not comply in their internal / structure and operational policy with unilateral coercive measures or the means of their enforcement and do not overcomply with any type of sanction.

17.6 Businesses should inform states of their nationality, residence, and location of operations in the context of the possible human rights implications due to their compliance and overcompliance with unilateral sanctions.

IV Responsibility

18. Responsibility arising from the adoption of unilateral coercive measures, means of their enforcement and overcompliance

18.1 International legal responsibility arises for States and regional organizations imposing unilateral coercive measures which are illegal under international law, and adopting measures to enforce them and encourage or compel other actors to apply and enforce them.

18.2 Any wrongful activity under international law, which cannot be qualified as retortions, countermeasures or strict implementation of resolutions of the UN Security Council adopted under Chapter VII of the UN Charter, entails responsibility for imposing, enforcing, facilitating and implementing states and international organizations.

18.3 International organizations shall be internationally responsible for adopting decisions that encourage or compel any actors, explicitly or implicitly, to take measures or actions that constitute unilateral coercive measures. The existence of such decisions does not exclude international responsibility of states for taking measures or actions that constitute unilateral coercive measures.

18.4 States and other actors are responsible for their failure to take all necessary measures to ensure that businesses under their jurisdiction and control do not comply or over-comply with unilateral sanctions.

18.5 States are responsible for the failure to mitigate negative effects of unilateral coercive measures under their international obligations to ensure human rights.

18.6 Unilateral sanctions and overcompliance shall by no means impede full implementation of humanitarian resolutions of the UN Security Council.

18.7 Third states are to be held responsible for implementing unilateral sanctions under international law since it constitutes aid or assistance in the commission of an internationally wrongful act.

19. Attribution of international responsibility for violations of international law and human rights that may result from the adoption, enforcement or implementation of or compliance with unilateral coercive measures

19.1 Any conduct resulting in overcompliance with sanctions of the UN Security Council, adoption of unilateral coercive measures, means of their enforcement and overcompliance with them is attributable to a state when it is performed by organs of a State, including exceeding the authority they hold or in contravention of instructions, as long as the conduct is carried out in the exercise of the official capacity of the state body or agent; persons or entities exercising elements of governmental authority, or by non-state actors, whose conduct is directed or controlled by a State, carried out in the absence or default of the official authorities or acknowledged and adopted by a State as its own.

19.2 Any conduct resulting in overcompliance with sanctions of the UN Security Council, adoption of unilateral coercive measures, means of their enforcement and overcompliance with them is attributable to an international organization when it is performed by organs or agents of this international organization or acknowledged and adopted by the international organization as its own.

20. Shared responsibility for violations of international law and human rights that may result from the adoption, enforcement of or compliance with

unilateral coercive measures

20.1 The commission of one or more internationally wrongful acts resulting from the adoption, enforcement of or compliance with unilateral coercive measures that contribute to an indivisible injury by multiple actors (states, international organizations) entails shared responsibility.

20.2 Contribution to an indivisible injury, harm or damage may be individual, concurrent or cumulative.

20.3 States and international organizations share responsibility for a single or multiple internationally wrongful act (acts) when conduct consisting of an action or omission:

- a) is attributable to each of them separately; and
- b) constitutes a breach of an international obligation for each of those international persons; and
- c) contributes to the indivisible injury of another person.

21. Illegality of extraterritorial jurisdiction

21.1 Extraterritorial application of unilateral coercive measures is illegal under international law, being a violation of fundamental principles of international law. Means of enforcement shall not be used as grounds for the extension of the jurisdiction of sanctioning States over third States, their nationals and companies, as well as their own companies and nationals.

21.2 Any criminal, civil or other penalizing action taken by third countries for the alleged circumvention of a unilateral sanctions regime, as well as the fulfillment of any requests for mutual legal assistance or extradition as a result of relevant civil or criminal proceedings carried out by the sanctioning state, constitutes the illegal extension of extraterritorial application of unilateral coercive measures.

22. Inevitability of responsibility

22.1 All actors shall be held responsible for violations of international law and

human rights that may result from the adoption, enforcement of or compliance with unilateral coercive measures, and from overcompliance with any form of sanctions. Nothing in these Guiding Principles should be read as limiting or undermining any legal obligations a State may have undertaken or be subject to under international law.

22.2 Unilateral sanctions, means of their enforcement and overcompliance shall not impede the implementation of humanitarian resolutions of the UN Security Council.

22.3 Shifting responsibility between international organizations, States and businesses does not provide any ground for excluding such responsibility or liability under international public law, international private law or national law (civil or criminal).

22.4 Provisions of the national law of sanctioning States cannot be invoked to avoid responsibility under international law and/or liability for damages thereof.

22.5 The obligation of due diligence is an obligation of action. Therefore, States are obliged under international law to take all necessary legislative, organizational or operational measures to ensure that any activity of businesses under their jurisdiction or control does not violate human rights, including extraterritorially. Regional organizations shall bear the obligation insofar as it falls within their functional competence.

23. Indivisibility of responsibility

23.1 The existence of any restrictive measures on a regional or national level cannot be invoked as justification for a State's failure to perform its obligations at an international level. International organizations shall be held internationally responsible if they take decisions encouraging their member states to impose or enforce unilateral coercive measures. Such organizations are under the responsibility to take all possible measures to make sure that their decisions are not used as a ground to impose, enforce or implement unilateral coercive measures.

23.2 A State's failure to ensure that businesses under its jurisdiction or control abide by international human rights law and avoid compliance with unilateral coercive measures, or exercise overcompliance, which impacts human rights negatively, constitutes a violation of the state's obligation to promote, respect and protect relevant human rights.

24. General regime of responsibility³³ for states and international organizations for human rights violations caused by unilateral sanctions, means of their enforcement and overcompliance

24.1 The State responsible for the internationally wrongful act caused by unilateral coercive measures, means of their enforcement and overcompliance is under an obligation:

- a) to cease that act, if it is continuing;
- b) to offer appropriate assurances and guarantees of non-repetition, if circumstances so require;
- c) to make full reparation for the injury resulting from the internationally wrongful act caused by unilateral sanctions, means of their enforcement and overcompliance.

24.2 The responsible State may not rely on the provisions of its internal law regulating unilateral coercive measures as justification for its failure to comply with its obligations under international law.

24.3 No provision in these Guiding Principles relating to the responsibility of States under international law shall affect individual criminal responsibility.

25. Specific regime of responsibility for violations of human rights caused by a serious breach of an obligation arising under a peremptory norm of general international law as a result of the adoption of unilateral coercive measures, their enforcement and overcompliance

25.1 A breach of peremptory human rights norms due to adoption or implementation of unilateral coercive measures is serious if it involves a gross or systematic failure by the responsible State to fulfil the obligation under international law.

25.2 States shall cooperate to bring to an end through lawful means to any serious breach of an obligation arising under a peremptory norm of general

³³ For states and international organizations

international law

25.3 No State shall recognize as lawful a situation created by a serious breach of any obligation arising under a peremptory norm of general international law as a result of the adoption of unilateral coercive measures, means of their enforcement and overcompliance, nor render aid or assistance in maintaining that situation.

26. Countermeasures

26.1 Every State injured due to adoption or implementation of sanctions policies by another State or regional international organization may only take countermeasures against a State or regional international organization which is responsible for an internationally wrongful act in order to induce that State to comply with its obligations.

26.2 Countermeasures are limited to the non-performance for the time being of international obligations of the State or regional international organization taking the measures towards the responsible State.

26.3 Countermeasures shall, as far as possible, be taken in such a way as to permit the resumption of performance of the obligations in question.

26.4 Countermeasures must be commensurate with the injury suffered, taking into account the gravity of the internationally wrongful act caused by unilateral coercive measures, means of their enforcement and overcompliance and the rights in question

26.5 Countermeasures shall not affect:

- a) the obligation to refrain from the threat or use of force as embodied in the Charter of the United Nations;
- b) obligations for the protection of fundamental human rights;
- c) obligations of a humanitarian character prohibiting reprisals;
- d) other obligations under peremptory norms of general international law.

26.6 A state or an international organization entitled under the norms of law of

international responsibility to take countermeasures may take such measures against each of the States or international organizations that share responsibility.

27. Responsibility of businesses

Any injury caused by businesses as a result of their compliance policies and overcompliance with unilateral sanctions and overcompliance with sanctions of the UN Security Council is subject to compensation by those businesses.

28. Individual criminal responsibility for human rights violations caused by unilateral coercive measures, means of their enforcement and overcompliance

28.1 Any person who, due to the adoption, enforcement or implementation of sanctions policies, commits an act which constitutes a crime under international law is responsible therefore and liable to punishment.

28.2 The fact that internal law does not impose a penalty for a human rights violation caused by unilateral sanctions, means of their enforcement and overcompliance which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

28.3 The fact that a person acted pursuant to order of their Government or of a superior to over-comply with sanctions of the UN Security Council, or to comply or over-comply with unilateral coercive measures, does not relieve that person of responsibility under international law, provided a moral choice was in fact possible to them.

28.4 The fact that a person who adopted measures to over-comply with sanctions of the UN Security Council, unilateral coercive measures, means of their enforcement and overcompliance which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve them from responsibility under international law.

29. International responsibility of regional international organizations

29.1 Any acts or omissions by regional international organization with regard to unilateral coercive measures which constitute an international wrongful act

entails international responsibility of such organization.

29.2 Regional international organizations shall offer the means to guarantee the right of persons affected by unilateral coercive measures, means of their enforcement and overcompliance to access justice, including but not limited to recourse to administrative bodies or judicial bodies of these regional international organizations as well as other international judicial institutions.

29.3 Any injury suffered by a victim of human rights violations of unilateral coercive measures, means of their enforcement and overcompliance shall be fully redressed by the responsible regional international organization.

30. Prohibition on profiting from unilateral coercive measures, secondary sanctions and overcompliance

All actors deriving revenue from the imposition, enforcement or implementation of unilateral coercive measures or from creating conditions to encourage overcompliance, including through reputational pressure, are in violation of international law and the perpetrators may be held liable. It is prohibited for any States or institutions that are involved in the collection or use of compliance data to use such data to threaten, support, or implement unilateral coercive measures, directly or indirectly, through individuals and/or institutions in their territories and beyond. All persons entities which service or profit from compelling or encouraging overcompliance in violation of international law shall be liable for their actions.

VII. *Effective remedy*

31. Adequacy and efficacy of remedy

31.1 The right to an effective remedy is an inherent right that everyone enjoys in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights.

31.2 Anyone whose rights or freedoms are violated due to unilateral coercive measures, means of their implementation and enforcement and overcompliance has the right, either in person or through legally authorized representation, to

receive immediate, personal and direct notification that they have been listed and the grounds for such listing; to file without any impediment and at a reasonably affordable cost a complaint and to have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay, in the case of both individual and systemic violations.

31.3 States must ensure, through judicial, administrative, legislative or other appropriate means, that when violations of human rights occur due to the adoption of unilateral coercive measures, their enforcement, implementation and overcompliance, due to the activity within their territory or jurisdiction, those affected shall have access to justice and effective remedy.

31.4 Any person or entity upon which sanctions have been imposed shall be able to seek judicial redress in the courts of the sanctioning states, regardless of whether they have other ties to that jurisdiction. Any person or entity which has suffered harm as a result of sanctions shall have standing to bring an action against the state imposing those measures in its domestic courts, regardless of whether they have other ties with that jurisdiction.

31.5 Access to justice cannot be denied even if no remedies for injuries due to the adoption of unilateral sanctions, application, means of their enforcement and overcompliance with such measures are provided under domestic law.

31.6 States shall not purport to provide any form of immunity to businesses for complying or purporting to comply with unilateral coercive measures. Where human rights are contravened by unilateral coercive measures and/or overcompliance, States imposing or enforcing them shall ensure that those affected have access to justice and effective remedies within their respective jurisdictions, without prejudice to any other remedies that they may have elsewhere.

31.7 States under sanctions should take all administrative, legislative, judicial or other means within the maximum resources available to provide assistance to individuals or companies affected by unilateral coercive measures, means of their enforcement and overcompliance, to ensure access to an effective remedy, including access to justice.

32. Reparation

32.1 A responsible State or an international organization is under an obligation to make full reparation for any injury caused by an internationally wrongful act arising from the adoption of unilateral sanctions, their enforcement, implementation and overcompliance.

32.2 Each state or international organization sharing responsibility is under an obligation to make full reparation for any indivisible injury caused by the single or multiple internationally wrongful acts.

32.3 Individuals and businesses shall be provided full reparation for any delay in lifting sanctions.

33. Restitution

33.1 Offenders or responsible third parties, where appropriate, shall make fair restitution to victims, their families or dependents. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights and compensation for any profit lost.

33.2 Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases when the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

33.3 When one or more of the responsible states or international organizations is under an obligation to make restitution, each of the other responsible international persons is under an obligation to ensure that restitution is made.

34. Compensation

34.1 When compensation cannot be provided in full by those responsible for the violation of human rights or other sources, States with the capacity to do so should endeavor to provide financial compensation to:

a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious violations of human rights arising from the imposition of unilateral coercive measures, means of their enforcement and overcompliance;

b) The family, in particular dependents of persons who have died or become physically or mentally incapacitated as a result of such victimization.

34.2 The establishment, strengthening and expansion of national funds for the compensation to victims of sanctions policies, including the Trust Fund for victims is highly encouraged.

34.3 In so far as the damage is not made good by restitution, each of the responsible states and/or international organizations is under an obligation to compensate the victim(s) for the indivisible injury caused.

35. Satisfaction

The State responsible for an internationally wrongful act arising from unilateral coercive measures, their enforcement and overcompliance is under an obligation to give satisfaction for the injury caused by that act insofar as it cannot be made good by restitution or compensation. When shared responsibility is invoked, this obligation is owed by each of the responsible states and/or international organizations.

36. Right of recourse

36.1 A state or international organization that has made full reparation for an indivisible injury, including on behalf of the business, has a right of recourse against all other actors that share responsibility for that injury to receive compensation based on the particular contribution made by those states, international organizations or businesses to the injury caused.

36.2 When an international organization shares responsibility with other actors, this provision is without prejudice to the rules of that organization.

37. Restoration of reputation

37.1 States shall refrain from any acts or omissions that cause reputational damage, producing any prejudice to any actor, including states, non-governmental organizations, humanitarian organizations, private entities or individuals in the context of sanctions policies. States shall not knowingly allow the use of their territory or telecommunication structure to cause any reputational harm to third states and other actors.

37.2 States shall refrain from exhorting any unofficial pressure, reputational pressure or maximum pressure campaigns to compel overcompliance by other states, international governmental, non-governmental organizations or businesses.

37.3 States must ensure, through judicial, administrative, legislative or other appropriate means the effective restoration of reputation damaged by the adoption of unilateral coercive measures, enforcing, implementation and overcompliance within their territory or jurisdiction. The losses incurred by businesses as a result of unilateral coercive measure must be adequately compensated.

38. Assistance

38.1 Individuals who consider themselves or are otherwise deemed victims of unilateral coercive measures should receive material, medical, psychological and social assistance through governmental, voluntary, community-based or indigenous means.

38.2 Victims of unilateral coercive measures should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

38.3 Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and should be provided with guidelines to ensure proper and prompt aid.

38.4 In providing services and assistance to victims of unilateral coercive measures, attention should be given to those who have special needs due to the nature of the harm inflicted.

38.5 States should consider incorporating into the national law norms proscribing abuses of power that occurred in the implementation of sanctions, adoption, enforcement, implementation of unilateral sanctions or means of their compliance, and providing remedies to victims of such abuses. In particular, such

remedies should include restitution and/or compensation, and necessary material, medical, psychological support and social assistance.

38.6 States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, and should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of power in the context of sanctions policies, as well as promoting mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

38.7 States under sanctions shall provide assistance to victims of unilateral coercive measures, means of their enforcement and overcompliance including to ensure access to justice, effective remedy and compensation to the maximum of available resources.

39. Diplomatic protection

States, on behalf of an individual, identifiable group of individuals or legal person that is a national/resident, shall invoke through diplomatic action and support or other means of peaceful settlement the responsibility of another State for an injury caused by that State through overcompliance with sanctions of the UN Security Council, by the adoption, enforcement, implementation of unilateral sanctions and overcompliance with them.

40. Access to administrative bodies

40.1 Any person whose rights or legitimate interests are affected by unilateral coercive measures, means of their enforcement, and overcompliance with sanctions of the UN Security Council or unilateral coercive measures, including extraterritorially, shall be guaranteed the right of access to the administrative procedures to challenge the measures applied. States shall establish a competent authority to deal with all such cases.

40.2 States are encouraged to establish an independent body to ensure the protection of those affected as a result of the adoption of unilateral sanctions, sanctions enforcement, and overcompliance with sanctions of the UN Security Council or unilateral coercive measures by State bodies or agents; and to enhance openness and accountability in the decision-making and administration of the

States' institutions.

40.3 A complaint on sanctions related issues filed with any administrative bodies or any decision taken by such body shall not be considered as a prerequisite or barrier to access to courts on this matter.

41. Access to national courts

41.1 Any person whose rights or legitimate interests are affected by unilateral sanctions, sanctions enforcement, and overcompliance with sanctions of the UN Security Council or unilateral coercive measures shall be guaranteed the right to access national courts in cases involving criminal charges or related rights, as well as in regard to all obligations in a suit at law, at a pretrial stage, court proceedings, or at the post-trial stage. Access to justice must effectively be guaranteed in all such cases.

41.2 All those affected by unilateral sanctions, sanctions enforcement, and overcompliance with sanctions of the UN Security Council and unilateral coercive measures shall be guaranteed the right to a compensation for the damage caused.

41.3 All those affected by unilateral coercive measures, means of their enforcement and overcompliance shall be guaranteed equal justice regardless of their nationality or statelessness, whatever their status, whether asylum seekers, refugees, migrant workers, visitors, unaccompanied children or other persons, who may find themselves in the territory or subject to the jurisdiction of the State.

41.4 Any impediments to access to court, including the imposition of fees on the parties to proceedings that would de facto prevent their access to justice are strictly prohibited.

42. State-based business-related non-judicial grievance mechanisms

42.1 States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as a part of a comprehensive State-based system for the remedy of business-related human rights abuses arising from compliance and overcompliance with unilateral sanctions, and overcompliance with UN Security Council sanctions.

42.2 To make it possible for grievances to be addressed early and remediated

directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.

43. Access to international bodies and international courts

43.1 Subject to the recognition of the jurisdiction of international human rights bodies any person whose rights or legitimate interests are affected by unilateral sanctions, sanctions enforcement, and overcompliance with sanctions of the UN Security Council or unilateral coercive measures shall be guaranteed the right to access to such mechanisms.

43.2 States are encouraged to resort to interstate complaint mechanisms on reporting within the human rights system to consider the facts that another State, which overcomplies with UN Security Council sanctions, adopts unilateral sanctions and means for their enforcement or over-complies with them, is not giving effect to the provisions of the relevant human rights treaty or is prevented from implementation of provisions of such treaties.

43.3 States are encouraged, where appropriate, to refer a case involving the violation of human rights law, international humanitarian law or any other provisions of international law in the context of sanctions policies, to international judicial decision making bodies.

43.4 States shall solve all their disputes arising from sanctions policies on unilateral coercive measures through peaceful means.

43.5 Nothing in the present Guide shall be interpreted as justifying the use of force, intervention into domestic affairs of any State or violation of sovereignty contrary to the UN Charter.

44. Access to international human rights bodies

44.1 Everyone, in particular, victims of human rights violations arising from sanctions policies and unilateral coercive measures, as well as civil society actors, has the right to have unhindered access to, and communication with, human rights bodies, including human rights treaty bodies, without any fear of intimidation or reprisals.

44.2 Access to international human rights bodies is subject to limitations arising

from their competence. Human rights treaty bodies shall not dismiss applications in unilateral sanctions cases due to the failure to exhaust domestic remedies, due to impossibility or severe hardships entailed in accessing relevant mechanisms domestically from abroad as a result of the extraterritorial impact of unilateral sanctions, the multiplicity of actors, or the multiplicity of barriers.

44.3 Everyone, in particular victims of human rights violations arising from sanctions policies and unilateral coercive measures, has the right to have unhindered access to international human rights courts without fear of intimidation or reprisals.

45. Access to relevant information concerning violations and reparation mechanisms

45.1 States and international and regional organizations shall provide transparent, timely and adequate information on matters related to unilateral sanctions, including the reporting of human rights violations and access to effective remedy and compensation through non-judicial and judicial mechanisms.

45.2 All sanctioning actors shall create enabling environments and maintain open channels for communication on human rights and humanitarian aspects relevant to sanctions and their implementation, including as a primary obligation, but not limited to, the establishment of focal points with adequate financial and human resources.

45.3 Focal points shall provide detailed information, clarification and advisory services, free of charge and in a timely manner, regarding licensing, the scope of humanitarian carve-outs and relevant procedural matters, including administrative and legal procedures for delisting of designated individuals and entities, and arrangements to secure access to justice

46. Fact-finding, monitoring and assessment of negative impact of unilateral sanctions on the enjoyment of human rights

46.1 Remediation of negative impact of unilateral sanctions on the enjoyment of human rights shall be based on an evidence-based approach ensured through systematic monitoring and impact assessment.

46.2 States affected by unilateral sanctions shall take all measures necessary to establish national mechanisms for the comprehensive and consistent monitoring and assessment of the negative impact of unilateral coercive measures on the humanitarian situation and enjoyment of human rights under their jurisdiction. States are encouraged to provide information for the monitoring tool, developed within the mandate of the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.

46.3 All States are invited to use information from their annual and long-term monitoring of the adverse impact of sanctions and the information from the monitoring and assessment tool to engage in international adjudication and the use of competent international quasi-judicial and human rights bodies as a means of dispute settlement, human rights protection, responsibility and redress in unilateral coercive measures cases.

47. International cooperation

States Parties should cooperate with each other on the basis of applicable international treaties as well as the principle of reciprocity to ensure access to effective remedy to victims of human rights violations caused by the adoption of unilateral coercive measures, means of their enforcement and overcompliance. Such cooperation shall encompass mutual legal assistance, extradition, and recognition of judicial decisions, including those related to compensation for damages resulting from the adoption, enforcement, or implementation of unilateral unilateral coercive measures overcompliance.

VIII. *Access to justice*

48. Effective access to justice

48.1 Access to justice is an essential element of the right to effective remedy.

48.2 Access to justice, including access to all types of legal services, with regard to violations of human rights by unilateral sanctions, sanctions enforcement, overcompliance with sanctions of the UN Security Council, or unilateral coercive measures, shall be granted without constraint and in a timely manner to all persons, natural and legal, in full conformity with the presumption of innocence, with

respect for due process and with fair trial guarantees, in line with international law.

48.3 Any person shall have real and effective access to any national or international mechanism for the protection of rights in the face of the enforcement, implementation of unilateral sanctions, and overcompliance.

48.4 Access to justice shall not be impeded by any legislative, administrative or operational measure, including impediments to transfer or unfreeze funds to pay for legal fees and expenses, including legal advice and representation.

48.5 Those subjected to unilateral sanctions, or affected by the means of their enforcement or overcompliance, shall always be entitled to have access to effective remedy, including access to justice in the sanctioning states, enforcing or implementing states, or states of residence or registration of businesses, whose action or inaction in the face of unilateral sanctions resulted in the violation of human rights.

48.6 Disputes arising from the breach of international private relations due to the application of unilateral sanctions, enforcement, implementation or overcompliance are regulated by international private law. States and relevant international dispute settlement mechanisms, including arbitration institutions, are obliged to ensure unhindered access to justice to settle such disputes.

49. Access to justice and fair treatment at the national level

49.1 Victims of the adoption, enforcement or implementation of unilateral sanctions should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

49.2 Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims shall be informed of their rights to seek redress through such mechanisms.

49.3 The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes

are alleged and where the victims have requested such information;

- b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;
- c) Providing proper assistance to victims of sanctions policies throughout the legal process;
- d) Taking measures to minimize inconvenience to victims of sanctions policies, protect their privacy, and ensure their protection, when necessary, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

49.4 Informal mechanisms for the resolution of disputes, including mediation, arbitration should be utilized where appropriate to facilitate conciliation and redress for victims.

50. Obligation to respect the right to fair trial and due process standards

50.1 Without any prejudice to the legality of unilateral measures taken, any means of enforcement, implementation set forth in the national criminal, administrative, customs, civil and other areas of law shall be formulated in an open transparent and fully explicit manner. States shall ensure that public and transparent reasons and evidence which are the grounds for any measure taken unilaterally are provided to affected individuals and entities immediately, regardless of the mechanism used. Those against whom sanctions are imposed shall be provided an opportunity to bring a case and contest the imposition of sanctions in court under the standard of due process.

50.2 States and regional organizations shall bear the burden of proof in unilateral sanctions adoption and compliance procedures. States or regional organizations must not transfer the burden of proof to any other actor, including targeted states, third states, entities or individuals, regardless of nationality, registration or residence, their counter-parties or any other actors.

50.3 Introduction, implementation or enforcement of a presumption of the wrongdoing of any actor within sanctions policies, whether rebuttable or irrebuttable, constitutes a further violation of international law.

51. Access to legal aid

51.1 States should consider the provision of legal aid to be their duty and responsibility. To that end, they should consider, where appropriate, enacting specific legislation and regulations to ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible with respect to sanctions related cases. States should allocate the necessary human and financial resources to ensure this legal aid system is fully accessible to victims.

51.2 States should guarantee the right to legal aid in their national legal systems to all persons, natural and legal, whose rights are affected by sanctions policies. To that end, States should consider, where appropriate, enacting specific legislation and regulations to ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible.

51.3 All persons are entitled to call upon the assistance of a lawyer of their choice. The State should not interfere with the organization of the defence of the beneficiary of legal aid or with the independence of his or her legal aid provider.

51.4 Any persecution, pressure campaigns against legal professionals providing legal aid to victims and overcompliance are strictly prohibited and should be promptly investigated and given proper qualification in accordance with national legislation.

51.5 States should ensure the provision of accessible and affordable legal aid to all victims regardless of age, race, color, sex, gender, language, religion or belief, political or other opinion, national or social origin or property, citizenship or domicile, birth, education or social status or other status.

51.6 States should establish effective remedies and safeguards that apply if affordable access to legal aid is undermined, delayed or denied or if persons have not been adequately informed of their right to legal aid,

51.7 Effective legal aid includes, but is not limited to, unhindered access to legal aid providers, confidentiality of communications, access to case files and adequate time and facilities to prepare their defence.

51.8 All payments for legal services shall be exempt from licensing requirements and shall not require the sanctioner's approval. Governments shall ensure the provision of sufficient funding and other resources for legal services to affected individuals, including those who are not able to pay for legal services due to freezing of assets, overcompliance of banks or any other reasons caused by unilateral sanctions, sanctions enforcement, unilateral coercive measures, and overcompliance with sanctions of the UN Security Council.

51.9 Professional associations of lawyers shall cooperate in the organization and provision of services, facilities and other resources.

52. Beneficiaries of the rights to legal aid in sanctions environment

States shall guarantee the right to legal aid to persons suspected of or charged with a criminal offence for the circumvention of unilateral sanctions or persons subject to civil or administrative penalties for the circumvention of unilateral sanctions, as well as victims and witnesses.

53. Access to information on legal aid

Governments and professional associations of lawyers shall promote programs to inform the public about their rights and duties under the law in the context of sanctions policies and about the role of lawyers in protecting their fundamental freedoms.

54. Independence and protection of legal aid providers

States and regional international organizations should ensure that legal aid providers are able to carry out their work effectively, freely and independently on issues related to unilateral coercive measures, their enforcement, their implementation, and overcompliance with them. In particular, States should ensure that legal aid providers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel, to consult and meet with their clients freely and in full confidentiality, both within their own country and abroad, and to freely access prosecution and other relevant files; and that they do not suffer from, and are not threatened with,

prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

55. Competence and accountability of legal aid providers

55.1 States should put in place mechanisms to ensure that all legal aid providers possess education, training, skills and experience that are commensurate with the nature of their work in sanctions related cases, including the extraterritorial effects dealt with, to protect the interests of those whose human rights are affected by unilateral sanctions, their enforcement, implementation and overcompliance.

55.2 States or regional international organizations shall not use licensing procedures as a means to restrict access to legal aid.

55.3 Disciplinary complaints against legal aid providers, including those who refuse to provide legal aid, should be promptly investigated and adjudicated in accordance with professional codes of ethics before an impartial body and subject to judicial review.

55.4 Governments, professional associations of lawyers and educational institutions shall ensure that lawyers have appropriate education and training and are made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law.

55.5 In regard to all groups, communities or individuals affected by the adoption, enforcement, or implementation of unilateral coercive measures and overcompliance with such measures, and whose needs for legal services are not met, including extraterritorially, Governments, professional associations of lawyers and educational institutions should take special measures to provide opportunities for them to receive such services, including online.

56. Duties and responsibilities of legal aid providers

56.1 Lawyers shall at all times maintain the honor and dignity of their profession as essential agents of the administration of justice.

56.2 The duties of lawyers towards their clients shall include:

- a) Advising clients as to their legal rights and obligations, and as to the working of the legal system insofar as it is relevant to the legal rights and obligations of the clients;
- b) Assisting clients in every appropriate way, and taking legal action to protect their interests;
- c) Assisting clients before courts, tribunals or administrative authorities, where appropriate.

56.3 Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act without undue interventions and diligently in accordance with the law and recognized standards and ethics of the legal profession. Lawyers shall always loyally respect the interests of their clients.

56.4 Any acts approving, justifying or encouraging overcompliance with the UN Security Council sanctions or the adoption of unilateral coercive measures on the part of legal professionals or bar associations shall be strictly prohibited.

57. Guarantees for the functioning of lawyers in unilateral coercive measures environment

57.1 Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference in the context of adoption, enforcement, implementation of unilateral coercive measures and overcompliance; (b) are able to travel and to consult with their clients freely both within their own country and abroad or online; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics to protect the rights of the victims.

57.2 Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

57.3 Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority to protect the rights of victims.

57.4 It is the duty of the competent authorities to ensure that lawyers have access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.

57.5 Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

58. Freedom of expression and association

Lawyers are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law on sanctions or unilateral sanctions, means of their enforcement, the administration of justice on sanctions related cases and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

59. Professional associations of lawyers

Professional associations of lawyers shall cooperate with Governments to ensure that everyone has effective and equal access to legal services on sanctions related cases and that lawyers are able, without improper interference, to counsel and assist their clients in accordance with the law and recognized professional standards and ethics.