



# Asamblea Permanente por los Derechos Humanos

Asociación Civil  
Estatus Consultivo Especial ante el ECOSOC de la ONU  
Organización acreditada en el registro de OSC de la OEA

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## Questionnaire on unilateral coercive measures

### Advisory Committee of the Human Rights Council

- 1) What role do you play if any, in addressing the issue of human rights and unilateral coercive measures?
- 2) Do you consider that unilateral coercive measures have an impact on human rights of the citizens of the states against which they are directed?
- 3) a- What specific aspects of human rights are unilateral coercive measures by the states against which these are directed affected? Could you give examples of particular groups most affected by unilateral coercive measures and how they are being so?  
b- Do such unilateral coercive measures have an impact on citizens of third countries against whom these are not addressed? Could you give examples of this impact?
- 4) Are the current standards and human rights mechanisms effective to deal with the negative impact of unilateral coercive measures on human rights of the states against which these are addressed?
- 5) What specific human rights mechanisms can be used to assess the negative impact of unilateral coercive measures on the enjoyment of human rights in the States which are directed against or in any other third country, and to promote accountability accounts?
- 6) Could you give specific examples of the impact of unilateral coercive measures on human rights in the states against which these are addressed in your work area?

1. The Permanent Assembly for Human Rights (APDH) is a civil association created with the aim of defending human rights in a singularly tragic period in the country and the south of Latin America. Therefore it has a vast experience in the protection of fundamental rights



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field as well as in the system developed from the Universal Declaration. In its current activity no issue related to the protection of human rights is out of its scope. This includes protection of most vulnerable and fundamental rights regarding health, food, decent living conditions. Our interest also extends to so-called "collective rights" including the right to development. Most members of APDH have direct knowledge on situations of insecurity and deprivation of the exercise of human rights; and almost all members of the Advisory Council of the Assembly know or have worked in international areas.

The APDH is an international organization, in consultative status with ECOSOC since 1995 and based not only in Argentina but also in Geneva, Berlin and New York. In this context, we do not only focus in human rights violations that take place in Argentina, but also in the rest of the world. Just as an example, representatives of our organization have conducted a fact-finding mission to the Gaza Strip in order to fight against the violation of rights in the territory.

2. Yes. Particularly those affecting economic, social and cultural rights. The impact is compounded if the affected society is, at the same time, socially unequal. The rights violated are related to work, insufficient incomes for a decent life, health, work, housing and education. In the long term, and combined with other features, it also impact on civil and political essential rights. For example, protection against discrimination in all its forms.
3. In a broad scope measure, external measures negatively affect every area of the social life of the peoples concerned. We refer to the political, economic and social system of the victimized societies. Depending on the severity of the measures, they tend to hinder overall economic development impacting individuals. The main and first victims are the most vulnerable groups: women, children, elderly and disabled. Another negative effect is the accentuation of discriminatory feelings, the occurrence of false nationalisms and the creation of artificial social archetypes. Then resurface discriminatory behavior based on race, religion, nationality, membership of an ethnic group, gender, sexual orientation or any other form of social intolerance.



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There are several cases of marked extraterritorial character not only affecting immediate recipients but to other nations. For example:

a) *The application of the economic, trade and financial blockade imposed by the United States of America to Cuba.* Includes reprisals against those who trade with the island or link to it for cultural and tourism exchanges. The blockade is intended to interfere in its political system and exert control in the region.

b) *The economic, commercial and social blockade that Israel imposed on Palestine.* It is similar in its effects to what is indicated in a). Beyond the acts of violence that are of public knowledge, Israel applies these measures on territories over which it has no right or sovereignty to contradict UN resolutions number. 242, 338 and similar, that demand the recognition of political borders prevailing before 1967.

c) *The threat of a severe reduction of gas supplies from Russia to Ukraine.* A political and bilateral conflict is trying to justify the service reduction which will substantially affect the most vulnerable sectors.

d) *The persistence of "tax havens".* Almost all of them protected by several major powers. According to the OECD, in addition to 25 smaller countries, many developed nations have dependent territories, also called "tax havens", for example the United Kingdom (Anguilla, Bermuda, Gibraltar, Guernsey, Isle of Man, Cayman Island, Turks and Caicos, British Virgin Islands, Jersey, Montserrat), Netherlands (Aruba, Curacao), United States (U.S. Virgin Islands, Nebraska under suspicion), New Zealand (Cook Islands). These havens serve the function of protecting tax evasion, money laundering and organized crime. The countries with less economic development are the main victims of this massive fraud. The persistence of central countries unilateral commercial conduct is only explained by reasons of their own economic advantage.



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e) *The resistance of several core countries, China, USA, Japan and Russia, to adopt international measures to control climate change that the planet is suffering.* Failure in accession to the so-called "Kyoto Protocol" and the enormous difficulties in agreeing an international document that will continue after 2014, show that, for reasons of economic expediency (to protect its own industrial development) - several of the largest countries prefer to jeopardize global living conditions. As is well known, climate change will negatively affect all countries, but will begin with the less protected and less developed regions of the world through natural disasters.

f) *The resistance of the core countries to share its technical progresses with the least developed countries.* For commercial reasons, technological innovations (computers, robotics, etc.) that would allow increase productivity of most deprived regions are limited, injuring this way their right to development.

g) *The misuse of scientific progress in the field of health.* New medical and biological advances in the core countries, which can only be accessed through large multinational companies for astronomical costs in relation to the initial investment. This commercialism behavior of promoting health is contrary to the spirit and letter of Article 27 (1) of the Universal Declaration of Human Rights.

4. Several of these measures could be mitigated or controlled by existing international agencies UN itself has created. At last, it depends on the degree of moral authority and professionalism of its members and, most importantly, the discipline of the core countries to abide by their decisions. The particular case of the blockade imposed to Cuba has shown that the repeated resolutions of the General Assembly on the "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" have not achieved their purpose. Therefore, the commitment of States that carry out such measures is crucial. Some others, especially those who refer to preservation



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of the economic system policies of the central powers, new contentions must be created or operate with organizations that are not within the UN system.

5. Firstly, the institutions organizing the application of unilateral coercive measures under the Human Rights Council or through the bodies responsible for monitoring the implementation of human rights treaties of the United Nations. As is well known there are different monitoring mechanisms, from international pressure to the recurrence to national or international courts (Court of The Hague, Regional Tribunals as the IACHR and the ECHR, arbitration systems)

There are various agencies under the United Nations High Commissioner that should be empowered. But even more, there are autonomous organizations of the United Nations System in general that should be strongly compromised because of the commercial and financial nature of coercive measures. We refer, among others, the World Trade Organization (WTO), the International Labour Organization (ILO), the Organization for Food and Agriculture (FAO), the World Food Programme (WFP).

Similarly, institutions outside the formal institutional system of the UN. In particular, the inter-ministerial bodies in matters of government, particularly Economics and Health. It is also essential the participation and presence in regional political organizations: EU, OAS, OAU, UNASUR, among others.

It is essential to formally begin the development of an International Convention on the right to development of the people, a continuation and reaffirmation of the principles of which so far is only a declaration.

6. Consequences of these measures are briefly explained throughout the report. Indeed, it should be understood that they affect the dignity of life, health, education of people. Others impact on the right to development and in this regard we reiterate the need to adopt an international convention on the subject.