**Annex: EU contribution to the UCM-study on the “notion, characteristics, legal status and targets of unilateral sanctions” by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights**

In its conclusions of 19 November on the EU Action Plan on Human Rights and Democracy 2020-2024, the Council of the European Union reaffirmed the strong commitment to further advancing universal values for all. Respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights will continue to underpin all aspects of the policies of the EU. According to the conclusions, the EU and its Member States will use the full range of their instruments, in all areas of external action, to focus and to strengthen EU global leadership in the field on human rights and democracy further.

EU restrictive measures (sanctions) are one of the Union's tools to promote its Common Foreign and Security Policy (CFSP) objectives, including peace, democracy and the respect for the rule of law, human rights and international law. They are part of a comprehensive foreign policy approach involving political dialogue and complementary efforts.

Sanctions are a key instrument at the EU’s disposal in countering breaches of international law and the proliferation of weapons of mass destruction, staunching the flow of arms into war zones, combatting human rights abuses, and targeting spoilers of peace processes.

States have primary responsibility to respect, to protect and to fulfil human rights. The reality is that even in the 21st century, we witness serious human rights violations and abuses in several parts of the world – frequently without any consequences for the perpetrators.

There are numerous examples, where the EU has imposed sanctions specifically on those who are responsible for human rights violations such as in the cases of Syria, Belarus, Venezuela and Myanmar. On 7 December 2020, a new dedicated sanctions regime targeting serious human rights violations and abuses was established: the EU Global Human Rights Sanctions Regime[[1]](#footnote-1). It provides the European Union with an additional instrument to be able to stand up for human rights in a more tangible and direct way and enhances the EU’s role in addressing serious human rights violations and abuses worldwide.

The EU works continuously to support the UN and fulfil its obligations under the UN Charter. It implements all sanctions imposed by the UNSC. In addition, the EU may reinforce UN sanctions by applying additional measures. Finally, where the EU deems it necessary, it may decide to establish its own sanctions regimes.

The restrictive measures the EU imposes autonomously comply with international law, including with the obligations stemming from international human rights law, international humanitarian law (IHL), and international refugee law. Where persons and entities are targeted by sanctions, their fundamental rights are respected, as required by the EU Treaties and the EU Charter of Fundamental Rights, including the due process rights of the listed persons and entities, in accordance with the case law of the Court of Justice of the European Union.

The principles underpinning the use of EU sanctions are set out in the EU Basic Principles on the Use of Restrictive Measures (Sanctions)[[2]](#footnote-2), complemented by the EU Guidelines on Implementation and Evaluation of Restrictive Measures[[3]](#footnote-3) and the EU Best Practises for the effective implementation of restrictive measures[[4]](#footnote-4).

EU sanctions are not punitive or retaliatory in nature, but designed to bring about a change in policy or activity by the target country, entities or individuals. Therefore, measures are always targeted at such policies or activities, the means to conduct them and those responsible for them. Furthermore, EU sanctions are reversible and proportionate to the objectives they seek to achieve.

EU autonomous sanctions are applied in the territory of the EU (and by EU persons and entities) and do not have an extra-territorial application. The EU considers that extra-territorial application of sanctions by third states is contrary to international law.

The majority of the EU sanctions regimes provide a framework for restrictive measures (travel ban and/or asset freeze) against persons or entities involved in ‘sanctionable’ activities. Sectoral measures, such as import or export restrictions, are less common.

The fact that EU restrictive measures are targeted also reduces as much as possible any adverse humanitarian effects or unintended consequences for non-targeted persons, in particular the civilian population, or on neighbouring countries.

EU sanctions are not meant to impede the delivery of humanitarian assistance and humanitarian activities. A system of exceptions is a standard feature in the EU sanctions regimes, which include, when appropriate, a number of provisions allowing the supply of certain restricted equipment and activities for the purpose of delivering humanitarian assistance. This system under EU law is consistent with the system of exceptions operated under United Nations sanctions.

The EU works continuously to increase awareness on its sanctions and avoid overcompliance, including through communication activities directed to humanitarian actors and economic operators. A concrete example in this regard is the EU guidance provided by the European Commission on the provision of humanitarian aid to fight the COVID-19 pandemic in certain environments subject to EU restrictive measures[[5]](#footnote-5) over the course of 2020.

Specifically with regard to designations, they are based on clear listing criteria and require legally robust evidence. An accurate, up-to-date and clear statement of reasons to enable the person concerned to understand the reasons for the listing and to defend his or her rights accompanies them. The Council of the EU reviews sanctions regimes and listings, on a regular basis either annually or on a six-monthly basis. Furthermore, listed persons and entities can submit a request for access to their file and a de-listing request to the EU. Designated persons and entities may also challenge their listing before the European Court of Justice.

1. https://www.consilium.europa.eu/en/press/press-releases/2020/12/07/eu-adopts-a-global-human-rights-sanctions-regime/?utm\_source=dsms-auto&utm\_medium=email&utm\_campaign=EU+adopts+a+global+human+rights+sanctions+regime [↑](#footnote-ref-1)
2. https://data.consilium.europa.eu/doc/document/ST-10198-2004-REV-1/en/pdf [↑](#footnote-ref-2)
3. https://data.consilium.europa.eu/doc/document/ST-5664-2018-INIT/en/pdf [↑](#footnote-ref-3)
4. https://data.consilium.europa.eu/doc/document/ST-8519-2018-INIT/en/pdf [↑](#footnote-ref-4)
5. https://ec.europa.eu/info/sites/info/files/business\_economy\_euro/banking\_and\_finance/documents/201116-humanitarian-aid-guidance-note\_en.pdf [↑](#footnote-ref-5)