**Reply to the questionnaire of** **the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights**

**1. China’s position on unilateral coercive measures**

China always opposes illegal unilateral coercive measures (UCMs), shares the sufferings of the affected countries and supports them in taking actions to protect their legitimate rights. China hopes that the countries imposing unilateral coercive measures can face up to the injustice and tribulation suffered by the people of the affected countries. China calls on the international community to make more efforts to lift unilateral coercive measures.

**(1) UCMs violate the purposes and principles of the Charter of United Nations and the International law**

First, unilateral coercive measures go against the principles of sovereign equality and non-interference in internal affairs. When a country uses its financial, trade, technological and other advantages to impose unilateral sanctions on foreign countries or their individuals or entities, or even freeze the asset of other countries so as to compel them to change policies or behaviors, interfere in their internal and external affairs, and infringe upon their inalienable rights of choosing and developing political, economic and cultural systems out of their own will, it violates the principles of sovereign equality and non-interference in internal affairs. For example, the U.S. Congress adopted the Global Magnitsky Human Rights Accountability Act, the Uyghur Human Rights Policy Act of 2020, and Hong Kong Human Rights and Democracy Act, taking human rights issues as an excuse to impose unilateral sanctions on other countries; the United States has imposed sanctions on Cuba according to the Cuban Freedom and Democracy Solidarity Act of 1996 (Helms-Burton Act) as well as the third countries that have normal relationships with Cuba.

Second, unilateral coercive measures violate the rules in international law on the distribution of jurisdiction among countries. According to the international law, territorial jurisdiction is the ordinary practice while extraterritorial jurisdiction is the exception. That is, extraterritorial jurisdiction is legal only when the applicable targets and the country enforces extraterritorial jurisdiction has “real and sufficient ties”. The unilateral sanctions, especially the secondary sanctions imposed by the United States, are exercised with the absence of “real and sufficient ties”. The United States has used the weak links and far-fetched reasons such as U.S. dollar settlement and mail services as an excuse to apply its domestic law on sanctions or administrative orders to foreign countries or their individuals or entities, which breaches the basic rules of international law concerning the distribution of jurisdiction among countries. For example, by taking Huawei’s use of the U.S. dollar settlement system as a linking point, the United States has used its domestic sanction law targeting Iran to impose sanctions on the normal economic and trade exchanges, carried out beyond the U.S. territory, between Huawei and Iran.

Third, unilateral coercive measures violate international human rights treaties. Unilateral sanctions hinder the normal foreign trade and economic activities of the sanctioned country. Particularly, when sanctions are applied indiscriminately on food, medicine, civil aviation and other areas related to people’s livelihoods, they would have negative impacts on people’s right to life, rights to health and right to development and therefore violate relevant international human rights treaties.

Fourth, unilateral sanctions go beyond the authorization of the UN Security Council. The Security Council adopts sanction resolutions in accordance with relevant provisions of the UN Charter. It is an important tool of the UN collective security mechanism, reflecting the consensus of all parties and the delicate balance of political, security, humanitarian and other factors. Unilateral sanctions, imposed beyond the UN framework, have no such justifiability and legitimacy as the ones authorized by the Security Council, and violate the purposes and spirit of the Security Council resolutions.

1. **Unilateral coercive measures impose serious negative impacts on the sanctioned countries.**

Unilateral coercive measures have severely disrupted the economic and social development and people’s well-being of the affected countries. Measures such as trade bans, funds and investments blockings, and market interventions will undermine fair competition and people’s livelihoods, and severely trample on the basic human rights of people in the affected countries, especially that of the vulnerable groups.

Unilateral coercive measures hinder the humanitarian operations in vulnerable countries. Capital flows, energy imports, and access to medicines are vital to the humanitarian work, but are always stuck due to unilateral coercive measures.

Unilateral coercive measures have weakened the healthcare capacity and mobilization ability of the affected countries to fight against the COVID-19 pandemic, and endangered global solidarity and cooperation. Unilateral coercive measures should be lifted so as to ensure that all member states could respond to the pandemic in a comprehensive, effective and efficient manner.

1. **The current situation of the abuse of UCMs by the United States**

As authorized by the International Emergency Economic Power Act of the United States and other domestic laws, the President of the United States imposes unilateral sanctions by issuing executive orders; the U.S. Congress has also issued special Acts for sanctions, such as Global Magnitsky Human Rights Accountability Act. So far, the United States has applied sanctions against more than 20 countries, including Russia, Iran, North Korea and Cuba, and with specific excuses such as human rights, counter-terrorism, anti-drug, non-proliferation, cyber attacks, and election interference. The common measures of unilateral sanctions include asset freezing, transaction restrictions, entry restrictions, financial service restrictions and etc.

From the perspective of range, the unilateral coercive measures taken by the United States contain primary sanctions, which is to limit the economic and trade or other means of exchanges between the U.S. citizens or entities and the sanctioned targets or to restrain relevant individuals in the targeted country from entering into the United States; and secondary sanctions, which is, based on primary sanctions, to restrain individuals or entities of a third country from conducting economic and trade or other means of exchanges with the sanctioned targets, and impose punitive measures on individuals and entities of the third country who have violated the sanctions.

 **(4) The international community opposes illegal** **UCMs and responsive measures should be taken**

 Illegal unilateral coercive measures are widely criticized. The General Assembly of the United Nations has passed resolutions for years in a row, calling for the United States to lift sanctions against Cuba and other countries. Countries should firmly oppose illegal unilateral coercive measures. Those who have been illegally sanctioned could take domestic legislative measures so as to interrupt the effectiveness of illegal sanctions and prevent individuals or entities from implementing or acting in coordination with unilateral coercive measures. The General Assembly, the Security Council, and the Human Rights Council should continue to adopt resolutions denouncing, criticizing and rejecting illegal unilateral sanctions. The international legal institutions, including the International Law Commission, should include such subjects into their research so as to clarify the rules on issues such as the extraterritorial application of domestic law and to curb illegal unilateral coercive measures.

**(5) UCMs based on international law and carried out as a countermeasure against international illegal actions do not violate international law.**

Countermeasure, as a concept in the international law, refers to the peaceful remedies carried out by victim countries, aiming to urge countries responsible for international illegal actions to cease illegal actions and fulfill obligations. Counties, suffering from illegal unilateral coercive measures and international illegal actions, such as interference in internal affairs, illegal use of armed forces and invasion, can legally take unilateral coercive measures against countries responsible for the aforementioned illegal actions, as long as the measures taken are within the limit of international acknowledgment in terms of strength, purpose and methods. Besides, the means by which the unilateral coercive measures are enforced, be it traditional physical means or cyber means, is not the factor that decides whether it is legal or not.

**(6) China's position on foreign unilateral extraterritorial law enforcement**

According to the principle of equality of national sovereignty in international law, a country can only exercise its judicial power in its own country. If the country needs to conduct judicial activities abroad, the usual practice is to request assistance from foreign countries through judicial assistance channels. However, in recent years, some countries, citing the low efficiency and heavy constraints of judicial assistance procedures, have authorized judicial and law enforcement departments to bypass the normal channels of judicial cooperation and engage in unilateral evidence collection and other extraterritorial law enforcement activities through legislation and judicial precedents, which infringes upon the judicial sovereignty of other countries. For example, in recent years, courts in some countries have frequently issued subpoenas directly to the branches of foreign banks in this country on the grounds of cooperation in handling cases, requiring them to submit in offshore bank account information. Once the foreign banks fail to provide evidence as required, they are often charged with huge fines or even threatened to be deprived of certain transaction authority. It is how the banks are forced to give in. The country that conducts such a practice considers only its own interests and puts its will above the sovereignty of other countries. It undermines the normal order of judicial and law enforcement cooperation, violates international law, seriously infringes on the judicial sovereignty and legal dignity of foreign countries, and infringes on the legitimate rights and interests of the subject of evidence collection.

**2. China’s implementation of UN Security Council sanctions**

As a permanent member of the Security Council, China has always strictly implemented sanctions of the Security Council, such as embargoes of certain items, asset freezing, and travel restrictions, and earnestly fulfilled its international obligations. Once the Security Council adopted a relevant sanction resolution, the Chinese Foreign Ministry would issue a notice on implementing the resolution on its official website, informing all ministries, commissions and departments directly under the State Council, the people's governments of all provinces, autonomous regions and municipalities directly under the Central Government, and two special administrative regions of Hong Kong and Macao that they shall, as respectively authorized, carry out sanctions within their respective jurisdictions. For example, with regard to the arms embargo, China strictly implements the export control and approval procedures for arms trade so as to ensure that weapons, equipment and related services such as technologies and training will not be provided to countries, regions, entities or individuals subject to sanctions. In terms of asset freezing, departments such as the People's Bank of China, the Banking and Insurance Regulatory Commission, will give instructions to relevant financial institutions to carry out asset freezing on listed entities or individuals according to their responsibilities. In terms of travel restrictions, the Exit and Entry Administration departments will take necessary measures against the listed individuals. China will deal with entities or individuals that violate the resolutions in accordance with laws and regulations. China has never taken additional measures beyond the sanctions imposed by the Security Council.