**EU contribution to the study on the “Impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic” by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights**

As underlined in High Representative Josep Borrell’s declaration on behalf of the European Union of 5 May, respect for all human rights must remain at the heart of fighting the pandemic and supporting the global recovery. The heavy impact of the crisis on economic and social rights needs to be addressed. No one should be left behind, and no human right ignored.

The key principles guiding EU restrictive measures (sanctions) are compliance with international law and human rights, proportionality and their targeted nature. These principles are set out in the 2004 EU Basic Principles on the Use of Restrictive Measures (Sanctions) and in the EU Guidelines on Implementation and Evaluation of Restrictive Measures, both public documents. The EU reiterates that the restrictive measures it imposes autonomously are fully compliant with international law, including with the obligations stemming from international human rights law, international humanitarian law, and international refugee law, and are a legitimate part of its Common Foreign and Security Policy.

As underlined in High Representative Josep Borrell’s declaration on behalf of the EU of 3 April, these sanctions regimes are a key instrument the EU has at its 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.

Regarding proportionality and the targeted nature of restrictive measures, the EU’s principled approach is that the restrictive measures should always be proportionate to the objectives they seek to achieve and should be targeted in a way that has maximum impact on those whose behaviour is to be influenced by the measures. Targeting should reduce to the maximum extent possible any adverse humanitarian effects or unintended consequences for non-targeted persons, in particular the civilian population, or for neighbouring countries.

EU sanctions applied to third countries are not designed to impede the delivery of humanitarian aid, including essential medical equipment and supplies necessary to fight the COVID-19 pandemic and limit its spread worldwide. Those activities are not targeted by restrictions.

Overall, compliance by the EU with relevant international obligations and its policy of targeted measures underpin a system of exceptions. These include the provision of humanitarian assistance and humanitarian activities, including medical assistance. Depending on the transactions they envisage and the restrictions existing in each case, humanitarian operators may need to request a prior authorisation in order to export certain goods to sanctioned environments or to make funds or economic resources available to designated persons, in order to support the provision of humanitarian aid. Such authorisations are granted by the competent authority in each EU Member State. This exception system under EU law is consistent with the system of exceptions operated under United Nations sanctions. Through application of these exceptions, the EU and its Member States ensure that EU sanctions do not obstruct the global fight against COVID-19.

In the context of the COVID-19 pandemic, the EU and its Member States are undertaking various communication activities on EU sanctions. On 12 May, the EU published new guidance for economic operators on EU sanctions concerning Syria[[1]](#footnote-1), demonstrating and confirming in practice that these sanctions do not impede the delivery of assistance to combat the spread of COVID-19. This particular guidance on EU sanctions is the first in a planned series of Q&As aiming to facilitate the task of humanitarian actors in different countries subject to sanctions and to speed up the channelling of equipment and assistance to fight the COVID-19 pandemic.

The EU also encourages other jurisdictions to provide the necessary clarifications to ensure that the sanctions they have imposed are not an obstacle to the global fight against the COVID-19 pandemic.

The EU and its Member States are amongst the largest donors of humanitarian aid in the world, including to countries where sanctions are in place. Further to the outbreak of the COVID-19 pandemic, the EU and its Member States are adjusting their current humanitarian assistance to those countries. The EU has also launched its “TeamEurope” package to support partner countries around the world, in particular those most vulnerable, in the fight against the COVID-19 pandemic and its consequences. Finally, the EU tabled at the World Health Assembly the UN Resolution on Covid-19 response, adopted by consensus on 19 May, that stresses the importance of global solidarity and recognises population-wide immunisation against COVID-19 as a global public good. The EU remains fully committed to ensuring timely delivery of assistance to combat the spread of COVID-19.

1. Commission Notice C(2020) 3179 final of 11.05.2020: Commission Guidance Note on the provision of humanitarian aid to fight the COVID-19 pandemic in certain environments subject to EU Restrictive Measures –

<http://www.ec.europa.eu/info/sanctions> [↑](#footnote-ref-1)