

**OUTCOME DOCUMENT OF THE OIC INDEPENDENT PERMANENT HUMAN RIGHTS COMMISSION'S (IPHRC) INTERNATIONAL SEMINAR ON "NEGATIVE IMPACT OF ECONOMIC AND FINANCIAL SANCTIONS ON THE FULL ENJOYMENT OF HUMAN RIGHTS BY PEOPLES OF THE AFFECTED COUNTRIES", HELD IN TEHRAN, ISLAMIC REPUBLIC OF IRAN ON 15-16 DECEMBER 2014**

1. The International Seminar on the “negative impact of economic and financial sanctions on the full enjoyment of human rights by peoples of affected countries”, organized by the IPHRC in collaboration with the Government of Islamic Republic of Iran, took place in Tehran on 15-16 December, 2014.
  
2. Her Excellency Ilham Aminzadeh, Vice President of Islamic Republic of Iran, inaugurated the Seminar. Besides IPHRC Commissioners, the Seminar was attended by OIC Member and Observer States and international human rights experts who delved in detail on the utility, implications and legality of sanctions under international human rights and humanitarian law.
  
3. Based on the enriching discussions and views expressed by the participants of the Seminar, IPHRC concluded following points as the outcome of this Seminar:
  - The Human Rights system is an indivisible whole. These are interrelated, interdependent and interconnected. The universality and indivisibility of Human Rights means that the realization of each category of rights is entirely dependent on the realization of the other. All rights, entitlements and privileges set forth in the Charter and in human rights international instruments for individuals, groups and States as well as international organizations are interlinked and come with obligations.
  
  - The obligation to “respect”, “protect” and “fulfill” is an indivisible concept and has a dual applicability in a global context. The corollary of this argumentation is the notion of “shared responsibility” and “mutual accountability” which are inferred from the provisions enshrined in the International Covenant on Economic, Social and Cultural rights and General Comments No. 2, 3 and 8 of the Committee on Economic, Social and Cultural Rights.

- The international community including regional organizations must consider the right to development and the development processes at the national and international level as well as the obstacles lying ahead such as “sanctions” within a multidimensional agenda.
  
- Article 1(2) of both International Covenants<sup>1</sup> is of critical importance in rejecting sanctions under all circumstances, unilateral or multilateral, with the effect of negative impact on human rights of peoples and individuals and on the people’s ability to freely dispose of their natural wealth and resources.
  
- Although the Article 41 of the Charter of the UN provides for certain “measures” to give effect to its decisions, it is not, however, an unrestricted prescription to violate other parts of international law including human rights law.
  
- The sanctions imposed under Article 41 of the Charter will not remain legal if these lead to the infringement of human rights and fundamental freedoms in the targeted states, within a protracted period of time. Additionally, any economic, financial and commercial measure or sanction, which contravenes the obligations of the Member States in Article 55 and 56 of the UN Charter referring to Human Rights, which have the effect of the violation of “*erga omnes obligations*” and “peremptory norms” are considered unlawful and must be rejected.
  
- Unilateral Coercive Measures against States are flagrant violation of Human Rights owing to their wide-ranging negative impact on living standards of vast populations and infringement of their fundamental human rights. Such measures are also considered illegal based on the provisions of International Covenants on Human Rights as well as the General Comments issued by the relevant treaty bodies.
  
- A common denominator in all relevant cases in the International Court of Justice is its emphasis on the obligation of all States and other subjects of international law to observe “human rights”, “*erga omnes obligations*”, “peremptory norms”, “*jus cogens*” or “general principles of humanity”. This obligation is applicable in all circumstances, including when there are sanctions resulting in violation of human rights imposed by a particular state or states or an international or

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<sup>1</sup> International Covenant on Civil and Political Rights and International Covenant on Economic Social and Cultural Rights.

regional organization, irrespective of states being a party to a particular Human Rights international instrument or not.

- Comprehensive sanctions and interruption of economic, trade, financial and international relations for a protracted period of time, particularly when not assessed and monitored, will cause shrinking national income, which in turn will reduce the ability of Member States to respect, protect and fulfill human rights of peoples and individuals including right to life, right to health, right to food, right to education and above all right to development.
  
- The international community needs to concretize its commitment to defend and realize human rights for all peoples equally and with the same vigor when it comes to sanctions imposed on targeted member states. The Seminar called upon the international community to embark on developing effective systems of assessment and evaluation of sanctions from the perspective of human rights.
  
- In this context the Seminar expressed support for the creation of the post of Special Rapporteur on the subject by the UN Human Rights Council, which is expected to enhance accountability within the UN on the part of Member States and international organizations in the matters relating to implementation sanctions. The Seminar also expressed appreciation for the ongoing serious efforts of the Human Rights Council in condemning and combating unilateral coercive measures and encouraged Member States to continue to actively participate in the process. The Seminar also urged Member States to extend full support to the work of Special Rapporteur.
  
- The Seminar observed the absence of any comprehensive sanctions monitoring mechanism to assess their negative impacts resulting in violation of Human Rights including the Right to Development. The Seminar thus recommended that the OIC Council of Foreign Ministers may consider establishing such a mechanism within the OIC General Secretariat and further proposed to the Human Rights Council to do so within the Office of the High Commissioner for Human Rights.
  
- The Seminar also recommended that the provision of technical development assistance to the targeted states, upon their request, in order to resist the negative impacts of sanctions could be one of the ways to assist the targeted states against the violation of human rights in this domain.

- The Seminar noted that sanctions have become extremely complex and result in dislocating social services and crippling the economies of not only the targeted States but also third countries, thus threatening regional peace and stability.
  
- The Seminar further observed that unilateral coercive measures /sanctions can adversely affect economies, including in non targeted states, hindering development efforts, international economic cooperation and other forms of cooperation like technology transfer that are critical to efforts to protect against environmental harms and promote sustainable development. Such measures could also result in choices, which could work adversely for human health, safety and the environment.