

Unilateral Coercive Measures: UN Expert Calls for Lifting of Illegal Sanctions on Syria

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*"I am struck by the pervasiveness of the human rights and humanitarian impact of the **unilateral coercive measures** imposed on Syria and the total economic and financial isolation of a country whose people are struggling to rebuild a life with dignity, following the decade-long war." —**Alena Douhan***

Following a 12-day visit to Syria, UN Special Rapporteur on unilateral coercive measures on the enjoyment of human rights, **Prof. Alena Douhan** said she was struck by the humanitarian impact of the illegal sanctions imposed on Syria, a war-torn country attempting to rebuild in the wake of a decade-long war.

Prof. Douhan published an initial report urging sanctioning states to lift the unilateral coercive measures against Syria.

The statement in full

Good afternoon, ladies and gentlemen,

As a UN Human Rights Council mandate holder I have had a country visit to the Syrian Arab Republic (Syria) from 30 October to 10 November 2022 to collect information in the spirit of comprehensiveness, independence, impartiality and verification about issues pertaining to the negative impact of unilateral sanctions, secondary sanctions and over-compliance with sanctions on the enjoyment of human rights of people in Syria. Everything in this report is of a preliminary character. A final report will be presented to the Human Rights Council in September 2023.

I wish to warmly thank all my interlocutors for their availability to meet and for the submitted information. All inputs will be thoroughly processed and analysed.

I also wish to thank the Government and the Ministry of Foreign Affairs and Expatriates of Syria for the transparent and constructive way in which they facilitated this visit and arranged all requested official meetings, in Damascus as well as in the governorate of Homs. I met many Government representatives and their respective teams, including the Prime Minister; Minister of Foreign Affairs and Expatriates; Speaker of the People's Assembly of Syria and a number of its members; Minister of Local Administration and Environment; Minister of Petroleum and Mineral Resources; Minister of Health; Minister of Social Affairs and Labour; Minister of Electricity; Minister of Industry; Minister of Water Resources; Minister of Economy and Foreign Trade; Minister of Internal Trade and Consumer Protection; Minister of Agriculture; Minister of Justice; Minister of Culture; Minister of Education; Minister of Higher Education; Minister of Finance; Minister of Interior; Minister of Transportation; Minister of Tourism; Minister of Communications; Governor of the Central Bank; and Chairman of the Planning and International Cooperation Commission.

I met also with representatives of a number of civil society organisations from different areas and sectors, healthcare providers, associations, representatives of public and private financial institutions, humanitarian actors, businesses, academia and Church. I also held consultations with UN entities, including specialized agencies and programmes present in Syria, and with members of the diplomatic community.

I take this opportunity to express my appreciation to the UN Resident Coordinator and the whole UN country team for all their support during the visit.

Overview of sanctions imposed

Most unilateral sanctions against Syria date from 2011 with reference to human rights abuses that occurred during popular protests. The **United States** however banned exports to Syria, prohibited flights and imposed targeted financial restrictions against Syrian entities and individuals already in 2004, referring to the struggle against terrorism. Its sanctions of 2011 blocked property or interests in property of the Syrian Government and of targeted individuals and entities. In 2012, the U.S. blocked property or interests in property of anyone who transferred goods or technologies or provided services to Syria that could be considered as dual use. In 2019, the Caesar Syria Civilian Protection Act authorized secondary sanctions against non-U.S. persons anywhere in the world who provide financial, material or technological support to the Syrian Government or engage in transactions with it, or who supply goods or services to Syria's military forces or the energy sector. These sanctions include blocking property and transactions as well as travel bans.

In 2011, the **European Union** banned exports to Syria of arms, goods and technology for the energy sector, as well as goods that could be used in internal repression, while also banning imports of Syrian oil and precious metals, and prohibiting business and financial dealings with Syria's energy sector. The EU expanded its sanctions in 2018 to include asset freezes and travel bans on individuals and entities allegedly involved with chemical weapons. The **United Kingdom** imposed parallel sanctions against Syria after Brexit.

Canada imposed sanctions against Syria after 2011 and later expanded their scope. They prohibit Canadians from importing Syrian goods, engaging in trade of goods or technology related to chemical weapons, and exporting goods ranging from items that could be used in monitoring telecommunications to luxury products.

Also citing the repression of Syrian civilians, **Australia** imposed in 2011 an arms embargo

and a ban on exporting equipment and technology for Syria's energy sector, including electric power production, and for monitoring telecommunications.

Switzerland imposed sanctions against Syria in 2011 in response to the violent repression of the uprisings. Largely aligned with the EU sanctions, they banned the sale, supply, export and transit to Syria of military equipment and goods that could be used for internal repression, and a ban on importing Syrian military equipment.

Also referring to the Syrian Government's violence against protesters in 2011, the **Arab League** suspended Syria's membership. A year later, 19 Arab League countries imposed sanctions against Syria, including travel bans on Syrian officials.

Impact on Economy

From 2000 to 2010, Syria's economic growth averaged more than 5% per year. The subsequent conflict had catastrophic effects on the economy, with significant damage and destruction of its productive capacity, assets and infrastructure, as well as massive displacements and refugee flows. This damage was exacerbated by the imposed comprehensive unilateral sanctions, leading to a protracted slowdown in economic activity with the GDP contracting by more than 90%.

After 2018, the Syrian economy showed some improvement with positive growth rates and rising macroeconomic indicators, but the intensification of unilateral sanctions and trade restrictions, over-compliance and de-risking by foreign companies and financial institutions, as well as the state's inability to exploit many of its strategic national assets, natural and other economic resources, have eliminated all remaining avenues for economic recovery. According to data and reports I received during my visit, the economy is hostage to a protracted economic crisis with growing inflation and frequent devaluations of the national currency, all of which have eroded to the level of total extinction the purchasing power of households, which find themselves in a prolonged state of survival mode.

The USD-Syrian pound exchange rate grew from 47 Syrian Pounds for 1 USD in 2010 to 400-500 in 2019, reaching more than 5,000 Syrian pounds for 1 USD at the black market in 2022 with the intensification of unilateral sanctions. The current uncertainty around the national currency is reflected in regular devaluations, which affect the prices of basic commodities and feed speculation, thus leading to further uncertainty, with a negative impact on people's lives.

The imposed sanctions have shattered the State's capability to respond to the needs of the population, particularly the most vulnerable, and 90% of the people now live below the poverty line. Since 2019, prices increased more than 800%, hundreds of thousands of jobs were lost due to destruction of industries, loss of the external trade and also to the COVID-19 pandemic.

The crisis is exacerbated by the country's financial isolation, with the sanctions' designation of the Central Bank and all public financial institutions, thus completely blocking transactions for imports and exports, including of food, medicine, spare parts, raw materials, and items necessary for the country's needs and economic recovery, and restraining foreign currency inflows. It is reported that before the US Caesar Act, the Commercial Bank of Syria had around 100 foreign correspondent banks; now it has five. For local importers of goods, in 2010, there were 1,241 letters of credit, while now only 2.

Critical infrastructure, Energy and Water

Image is from Mideast Discourse



Unilateral sanctions have also prevented the Government from having resources to maintain and improve key infrastructure and for rebuilding and developing projects vital to the population's needs, especially in remote and rural areas. Almost all interlocutors highlighted shortages of electricity and drinking water due to the destruction of plants and distribution infrastructure and also due to the unavailability of diesel fuel and gas needed for thermic power plants and water pumps.

Power outages are frequent, including in Damascus. Some Governorates distribute electricity for only 2-4 hours daily, while the Government tries to supply hospitals with 10-11 hours daily. The impact of unilateral sanctions prevents the procurement of spare parts for power plants and distribution networks, with foreign companies reluctant to engage with Syrian entities and international payments impossible to make. Daily power production is now 2,100 Megawatts, down from 9,500 Megawatts. It was reported that more electricity could be produced if technicians could reach gas and oil fields, mostly located outside Government-controlled areas.

Similar challenges occur with the distribution of water for drinking and irrigation, which has seriously declined due to the number of damaged facilities, the direct effects of unilateral sanctions and the development of hydroelectric projects in neighbouring Turkey that restrict the water flow of the Euphrates River to Syrian agricultural lands. Sanctions-induced trade restrictions and foreign businesses' over-compliance prevent the procurement of equipment and spare parts needed to repair, maintain and develop water supply networks, sometimes resulting in contaminated water; this led to a recent cholera outbreak with more than 20,000 suspected cases. Drinking water reaches many households during only 1 or 2 hours every few days as per capita drinking water supplies have plunged. Currently only 20% of Syria's agricultural land can be irrigated. I was also informed that the Government, working with international organisations and civil society organisations, is implementing projects to procure diesel stations and pumps for water distribution in certain areas and to respond to the needs of millions of people, but fuel shortages remain a challenge for operating this equipment. Repairing malfunctioning water pumps is a further challenge due to the lack of spare parts and the brain drain of expert technicians.

Syria's crude oil and oil derivatives production is less than 10% of pre-2010 levels, with the main oil fields located outside Government-controlled areas. As oil products are under sanctions, Syria cannot import them, resulting in shortages for heating, transport and industry. Interceptions of tankers and imposing sanctions on capitaines are reported then

importing a limited quantity of oil from Iran. Every household has the right to 50 litres of subsidised mazut (diesel) for heating per year, far below average consumption levels. I have heard accounts of people selling this meagre quantity on the black market to cover other basic needs.

As for public transportation, the designation of Syrian airline companies has made them unable to procure spare parts, equipment and services to maintain and upgrade their fleets, while the flight embargo obliges Syrians to travel from neighbouring countries, adding costs. With assets in foreign accounts frozen, the Syrian Airlines IATA Clearing House profits cannot be transferred to the company's accounts in Syria. I have been also informed that the Syrian Government faces challenges to rehabilitating the deteriorated road and railway networks and mechanical equipment due to sanctions. Trade by sea is seriously affected by over-compliance and high insurance costs, with the number of containers reaching the two main Syrian ports in Tartus and Latakia being one-fifth of what it was in the pre-sanctions period.

Health sector

I also received accounts showing how unilateral sanctions impact the capabilities of Syria's healthcare system. Although the Government prioritises electricity supplies for hospitals and health centers, they still receive insufficient power and the rest is provided by diesel stations and generators. Disruptions are frequent, impacting medical operations and the functioning of medical equipment, with serious consequences for patients. In some cases, the irregularity of electric power has led to overloads with destructive effects on sensitive and expensive medical equipment, for which spare parts cannot be procured due to trade and financial restrictions, as well as the reported reluctance of European and US companies to deliver them.

Image below is from Syria News



With 14.6% of the Syrian population suffering from chronic and rare diseases, and estimated 24% being disabled, I note with concern the challenges and obstacles in the procurement and delivery of life-saving medicines, such as for cancer treatment, kidney dialysis, multiple sclerosis, hypertension, diabetes, as well as anaesthetics, diagnosis for all types of cancer and others, due to the withdrawal from Syria of foreign pharmaceutical producers and the inability to import raw materials and laboratory reagents for local pharmaceutical production due to companies' over-compliance and/or banks' de-risking policies.

Although medicines and medical devices are technically not subject to sanctions, the vagueness and complexity of the licensing processes, the persistent fear among producers and suppliers, the restrictions in the processing of payments, and the obstacles to shipping

these goods have made them inaccessible to the Syrian public.

Shortages of medical equipment were also cited during my visit to Al Basel Hospital in Homs. With 125 specialised doctors and 850 nurses covering the city's healthcare needs, it had only two sterilising machines (one did not work as it lacked spare parts), one kidney treatment machine (also not working due to the lack of spare parts) and a few old dialysis machines which are overused in order to treat approximately 275 patients. According to Government data, 118 haemodialysis units, 8 CT scanners and a number of MRI devices are out of service due to the lack of spare parts and updated software. Also affected by shortages are PET-CT scans, endoscopic devices, X-rays, cardiac catheters, incubators, ICU ventilators and oxygen generators. Similar challenges have been cited in Al-Biruni cancer hospital in rural Damascus and Children hospital in Damascus.

Inflation has significantly increased the costs of medical services as reduced resources have led to a decline in government spending on health, with catastrophic effects on peoples' lives.

Agriculture and food security

Due to the water and energy/fuel shortages, financial and trade restrictions, as well as inflation, the quantity of agricultural inputs has decreased, causing crop production to drop from an average of 17 million tons per year during 2000-2011 to 11.9 million tons in 2021. Cultivated areas have also diminished sharply.

The wheat crop, vital for Syrian food security, fell from 3.1 million tons in 2019 to less than 1.7 million tons in 2022. Once a wheat exporter, Syria must now import wheat. Food imports can cost 50% more than in neighbouring countries amid higher import insurance costs and greater risks in the context of unilateral sanctions.

Syria is facing a serious food crisis. According to the World Food Programme, 12 million Syrians – more than half of the population – are grappling with food insecurity – 51% more than in 2019 – and 2.4 million are severely food insecure.

Government food and cash support programs are unable to tackle this problem, given the critical economic situation, while obstacles in obtaining agricultural inputs such as fertilisers, seeds, pesticides and fodder, and of spare parts for agricultural machinery, prolong and exacerbate the crisis in this sector. Prices for food commodities and agricultural goods rose more than 150% from 2019 to 2020, and retail prices for wheat flour, rice and sugar almost doubled from 2021 to 2022.

I received disturbing accounts about radical changes in Syrians' diets due to extremely high prices of basic food items, and the dire financial situation of Syrian households, in particular female-led households, that cannot afford the standard food basket, which in August 2022 cost 85% more than in 2021. The situation is even more disheartening considering that the cost of the food basket is three times the reported average monthly salary in the public sector. The Government provides 4 million families with smart cards for subsidized food (covering more than 14 million individuals), but a recent study showed this covers only 32% of their food needs.

Humanitarian Assistance and Social Protection

I had also met with a number of actors in the area of social protection and humanitarian

assistance, and I wish to commend them for their work in reaching out to vulnerable populations in an effort to strengthen social cohesion. However, amid the severe scarcity of state resources due to the decade-long conflict, the unilateral sanctions and the ongoing public health and other crises, this work is fragmented and hardly meets the needs of these populations, including IDPs, refugees, persons with disabilities, women-led households, children in street situations, and others.

Image: Bab El Hawa boarder crossing from Turkey to Syria in March 2006. (Licensed under CC BY 3.0)



Numerous international and local organisations have expressed serious concerns about the high costs of operations, including due to sanctions-induced rising prices in fuel and the challenges to financial transactions, procurement and delivery of goods and services. They report that foreign banks are often reluctant to process payments destined for Syria, particularly following Lebanon's banking crisis and the spill-over effects on Syria. Restrictions and delays in processing payments with suppliers, which can take months, lead to a restricted and less competitive market, rising costs, putting at risk the implementation of life-saving humanitarian interventions. I have received information that important international humanitarian actors have either significantly reduced their activities or fully withdrew from the country due to these challenges, leaving a serious protection and rehabilitation gap.

Even the work of UN agencies and programmes is affected, with procurement and money transfer delays of up to 1.5 years, and significant losses in the value of humanitarian aid due to the exchange rate movements. There is a constant fear of possible breaches of the sanctions when engaging with Syrian entities and suppliers, and concerns about the complexity and delays in securing licences and derogations from the United States and the European Union.

International humanitarian NGOs have highlighted also the inefficiency of existing humanitarian exemptions and derogations, and the apparent vagueness around the terms humanitarian aid, early recovery and reconstruction, which ultimately add more complexity rather than facilitate their work. One example communicated to me involved the purchase of fuel for delivering humanitarian assistance, which under EU sanctions regulations is allowed for humanitarian operators funded by the EU. However, because the fuel provider is a Syrian state company, the humanitarian operators have to submit two or three derogation applications for this purchase. A food distribution and bakery rehabilitation project by another NGO in Deir Ezzor, meant to serve more than 90,000 people in need, was delayed for 4 months as the only operating local banks were public ones, thus under sanctions.

Other concerns relate to the increasing control of donors on how and where the money is to be used, which challenges the principled work of humanitarian operators, and the significant decrease of donors' financial support due to the prioritisation of other global and regional crises.

The situation is more dramatic for the millions of refugees and IDPs who have lost their homes and livelihoods. Of particular concern is the situation of female-led households, despite Government efforts to provide financial support.

Persons with disabilities and those suffering from mental disorders, including due to war traumas and stress, are also particularly affected due to challenges in accessing medical and rehabilitation treatments amid the shortages in medicines and medical equipment and the rising costs of therapeutic services. Older people do not have access to social protection schemes, and state resources are insufficient to effectively address child poverty and the protection and care of a growing number of children in street situations; only a few local NGOs are able to provide support.

Other areas

Sanctions and the resulting economic pressures also impact the right to education, with an estimated 22% of children being out of school[1] and with serious educational challenges for children and adolescents who were forced to interrupt their studies due to the conflict. Despite Government efforts, in collaboration with international organisations, to develop curricula for school reintegration and incentives for school attendance, an adequate infrastructure is lacking, and the associated costs of education – mainly for transport, stationery and equipment – are extremely high for a great number of students. Only 4% to 7% of schools have electricity and heating in winter and less than 40% have water at all times for drinking and hygiene. Similar dire conditions have been communicated to me during my visit to a school in rural Homs. There is also a shortage of books due to the unavailability and high prices of paper; the Ministry of Education prints only 20% of the books it printed in 2010. Teachers are unavailable due to transportation costs, or worse, due to displacements, injuries or death (more than 150,000 have reportedly left the education system).

Similar impediments are reported by interlocutors in the arts and cultural spheres. I received information about the discontinuation of foreign donations, the inability to participate in international events due to travel restrictions or to host such events due to the reluctance of foreign counterparts to collaborate, the inability to maintain memberships and international partnerships, and challenges in the restitution of cultural artefacts looted from museums and sites during the conflict. I was also informed of the destruction of thousands of handicraft workshops, and of the emigration of many artists and musicians due to economic hardships.

As for the environment, unilateral sanctions and payment restrictions have kept the Government from having resources to develop and maintain infrastructure for transporting and treating solid waste and medical waste, for importing material for wastewater treatment and for addressing conflict-related pollution, including toxic munitions ingredients and explosive material undergoing chemical transformations.

Tourism, once 14% of Syria's GDP, has stalled due to conflict and the long-term effects of unilateral sanctions. Foreign tourism agencies and hotel groups have left the country, while travel restrictions and financial and economic isolation, including credit and debit card bans and the disengagement of foreign travel and health insurance companies, have seriously compromised any efforts to revive this sector.

Syria's participation in international cooperation programmes has been significantly

undermined by the sanctions. I have received information about the discontinuation of academic exchanges, joint scientific projects and training programmes for Syrian academics, scientists and professionals from various sectors in foreign institutions.

Finally, unilateral sanctions against Syria have impacted the procurement of new IT technology and software, as well as access to Internet websites and online platforms for educational, training, communication and commercial purposes, due to IP blocking and online payment restrictions. Foreign telecommunication and online services providers are reluctant to engage in projects, with serious consequences for the development of these services, including for education and healthcare.

Assessment of legality

In view of the complexity of unilateral sanctions imposed against the Syrian economy, banking and financial system, nationals and companies, the current assessment reflects only a few relevant aspects.

The state of national emergency announced by the U.S. Government in 2003 as the ground for introducing sanctions against Syria, recently extended in May 2022 for another year, does not correspond to the requirements of art. 4 of the International Covenant on Civil and Political Rights (ICCPR).

Under international law, unilateral measures without or beyond UN Security Council authorization may only be taken if they do not violate international obligations of states (retortions) or if their wrongfulness can be excluded, as with countermeasures taken in accordance with standards of the law of international responsibility.

Central bank assets and property used for state functions must enjoy full immunity from foreign jurisdiction and seizure to enable states to exercise their obligation to guarantee human rights on territory under their jurisdiction and control.

Cutting off irrigation water deprives the population of food and water and contradicts Art. 54 of Additional Protocol I of 1977 to the Geneva Conventions of 1949.

Preventing access to emergency loans from the World Bank in the course of COVID-19 on the ground of sanctions constitutes discrimination against Syria and the Syrian people in the situation of the pandemic.

The extraterritorial application of secondary sanctions and threats to third-state nationals and companies lead to over-compliance and violate fundamental principles of international law such as the sovereign equality of states, non-intervention in the domestic affairs of states and the peaceful settlement of international disputes. Unilateral targeted sanctions as a punitive action violate obligations arising from universal and regional human rights instruments, many of which have a peremptory character, including procedural guarantees and the presumption of innocence.

Depriving Syrian diplomatic missions and staff members of the possibility to open and keep bank accounts, receive money transfers for missions to function and exercise consular activities, and obtain insurance for premises and staff do not conform to the Vienna Conventions on diplomatic and consular relations.

Justifying the legitimacy of unilateral sanctions on the ground that their negative

humanitarian impact is unintended is inconsistent with the due diligence principle in international law, which obliges states to guarantee that their activity as well as activity under their jurisdiction and control do not violate the states' international obligations, including the obligations to promote and protect human rights.

It thus follows that unilateral sanctions against Syria do not conform with a broad number of international legal norms, are introduced to apply pressure on the state, cannot be justified as countermeasures under the law of international responsibility, and therefore can be qualified as unilateral coercive measures.

Conclusions

Primary unilateral sanctions, secondary sanctions, threats of sanctions, de-risking policies and over-compliance with sanctions have been exacerbating Syria's humanitarian crisis, which is already affected by 12 years of conflict and terrorist activity, destruction of infrastructure, COVID-19, a growing economic crisis in the region, and millions of IDPs and refugees.

I note with regret that despite multiple reports by UN organs and international and national NGOs on Syria's desperate humanitarian situation and the huge negative effect of unilateral sanctions, these reports and calls have not been heeded.

Sanctions against the Central Bank; cutting off Syrian banks from the SWIFT system; sanctions against the oil, electricity, trade, civil aviation, information, communication, construction and engineering sectors, and on individuals and companies; prohibitions to provide loans, concessions and grants, including via participation in international organizations; secondary sanctions; and over-compliance by banks and producers prevent the Government from gaining and using resources to restore and maintain essential infrastructure including hospitals, schools, housing, roads, civil aviation, electricity and water supply and many others. They hinder the provision of critical services including water, electricity, heating, transportation, shelter and education, the repatriation of Syrian refugees and IDPs, and vaccinations, resulting in reduced social support programs, more pollution and the spontaneous cutting of trees for heating. They prevent the implementation of academic, cultural and environmental projects and the maintenance and restoration of the tangible and non-tangible heritage of the Syrian people, thus having a devastating effect on the whole population and on the functioning of civil society.

They have a devastating effect on nearly all categories of human rights including economic, social and cultural rights, the rights to health, to food, to adequate housing, to an adequate standard of living, to clean water and sanitation, to a favorable environment, to access the Internet and to life.

The whole population stays in life-threatening conditions with severe shortages of drinking water, water for irrigation, sewage facilities, electricity, fuel for cooking, heating, transportation and agriculture, food (including baby formula), health facilities, medical equipment and medicine, work and education facilities, making the country extremely vulnerable and dependent on humanitarian assistance.

I welcome the humanitarian support of all donors to the people of Syria and efforts of the UN agencies, INGOs and national NGOs to deliver humanitarian aid, which has helped some infrastructure restoration projects. I note with regret, however, that their efforts to do bank

transfers and to deliver humanitarian aid are deterred by over-compliance among banks, shippers and insurers, and the need for often multiple derogations or to verify exemptions; these have made deliveries costly, lengthy, complicated and bureaucratic, forcing humanitarian actors to seek alternatives and putting onto them the burden of proving the purely humanitarian nature of deliveries.

I also welcome efforts of national NGOs and other humanitarian actors to provide social and humanitarian assistance for people in vulnerable situations. Due to the limited scope of their projects, the unavailability of legal and technical assistance, and language obstacles, they are unable to easily get exemptions and are deprived of the possibility to do fundraising and receive payments via bank transfers or fundraising platforms, forcing them to use goods and services from the black market.

The stated readiness and threats to impose secondary sanctions, criminal and civil penalties against individuals and companies circumventing unilateral sanctions, as well as zero-risk policies and over-compliance by third-country banks and private companies, have made it difficult to transfer or receive money including donations and remittances, resulting in enormous procurement delays, misuse of the situation by third parties, deliveries of low quality or fake materials, reagents and medicine, adding to smuggling, corruption and the development of the black market.

I underline that reduced export revenues, low salaries, the deteriorating economy and hyper-inflation have reduced the Government's ability to maintain the social support it once exercised in the spheres of food, health and housing, affecting the right to food, freedom from poverty, right to health, economic and social rights, right to a decent life, and impeding the delivery of the Sustainable Development Goals.

The refusal of banks and producers of medicine, raw materials, medical equipment, spare parts, software and vaccines to approve bank transfers for Syria or Syrian beneficiaries or by Syrians without letters of comfort results in the shortage of medicine and medical equipment in Syrian hospitals and pharmacies; undermines proper functioning of the Syrian pharmaceutical industry; results in documented growing mortality; increases deliveries and usage of low-quality medicine and medical equipment; causes health to deteriorate, particularly of people with disabilities, reduces life expectancy, increases mental suffering, causes depression and despair, and allows diseases to spread, violating the right to health, eroding the quality of life, and violating the right to live in dignity as well as the right to life.

Foreign partners become reluctant to cooperate with Syrian counter-partners in education, culture and sport due to difficulties with money transfers, costs and complexities of getting visas, impossibility to book trips and hotels, suspension of research grants and scholarships, and fear of negative consequences in home countries due to cooperation with or visiting Syria. This reduces academic and professional expertise; impedes access to knowledge; constitutes discrimination on the ground of nationality; and affects the right to education as well as international academic, sports and cultural cooperation, innovation, academic freedoms and cultural rights, preventing cooperation and dialogue in all abovementioned areas.

The impossibility of bank transfers impedes the payment of membership fees for international organizations, and the use of social networks and public databases from Syrian phone numbers or IP addresses, isolating Syria and Syrian nationals from international cooperation, and preventing the exercise of the right to development, access to information

and freedom of expression.

Problems arising from the deteriorating economic situation, the growing illiteracy among IDPs due to the conflict, poverty, food insecurity and limited access to health services all contribute to rising criminality and drug abuse, more street children, smuggling, prostitution and sexual exploitation, engagement in terrorist activities, creating civil and transboundary insecurity, loss of hope and growing migration often via illegal or unsafe means, and human trafficking.

The enormous migration of Syrians (reported to reach 6.8 million) due to poverty and despair amid the shortages mentioned above substantially affects the human rights of people of neighboring countries that must cope with the massive refugee flows while they are vulnerable to critical economic situations of their own.

The protection of human rights in Syria is not possible without rebuilding all critical infrastructure and services in cooperation with UN agencies and with continuing and unconditional humanitarian assistance. Maintaining unilateral sanctions amid the current catastrophic and still-deteriorating situation in Syria may amount to crimes against humanity against all Syrian people.

Recommendations

I remind all parties of their obligation under the UN Charter to observe principles and norms of international law, including principles of sovereign equality, political independence, non-intervention in the domestic affairs of states, and peaceful settlement of international disputes, to engage in structural dialogue to settle any disputes in accordance with the principles and norms of international law, and to cooperate in good faith in the gradual improvement of the humanitarian situation.

I call on sanctioning states and regional organizations to lift or suspend all unilateral sanctions applied to Syria, Syrian nationals and companies without authorization of the UN Security Council, and the use of which cannot be justified as retortions or countermeasures in accordance with international law.

I urge the U.S. Government to cease the state of national emergency regarding Syria as being contrary to article 4 of the ICCPR, and to bring national legislation into accordance with international law.

I urge the immediate lifting of all unilateral sanctions that prevent early recovery, rebuilding and reconstruction of critical infrastructure and services, including water and electricity, bank transactions, access to fuel, electricity, sewage, shelter and housing, transportation, education, health, agricultural and industrial machinery - to give hope to the Syrian people and establish conditions for the return of refugees.

I also remind about the illegality of the extraterritorial application of unilateral sanctions, and call to lift secondary sanctions and revoke criminal and civil charges for circumvention of sanctions not authorized by the UN Security Council. I emphasize that maximum pressure campaigns, threats to punish anyone dealing with Syrian public institutions or participating in rebuilding in Syria is inconsistent with international law, including the principles of sovereign equality, states' political independence and the promotion and protection of human rights.

I highlight that no reference to good objectives or unintended negative humanitarian consequences of unilateral sanctions justifies the violation of fundamental human rights or of international obligations of states to Syria and the Syrian people.

I call on all states and international organizations to avoid written or oral threats or any other act which may result in the application of own or third country unilateral sanctions or over-compliance, and to interpret all limitations, including the qualification of goods and equipment as dual-use, in the narrowest possible way, to provide general humanitarian exemptions (rather than *ad hoc* derogations) to all humanitarian actors in the interim period before the lifting of unilateral sanctions.

I urge the release of assets of the Central Bank of Syria in foreign banks, property and assets of Syria, public and private companies including joint ventures, to be used to satisfy humanitarian needs of Syrian people, early recovery and reconstruction including through the cooperation with the United Nations entities.

I call on banks and private companies to behave in accordance with the Guiding Principles on Business and Human Rights to avoid over-compliance and the consequent violation of rights of nationals and residents of Syria, especially as regards critical infrastructure. And I refer to the obligation of states to make sure that the activities of banks and private companies under their jurisdiction and control do not violate the human rights of Syrians or others under the principle of due diligence.

I highlight that Syria and Syrian nationals and companies shall have guaranteed access to justice as well as any administrative services in all countries on an equal basis, including the possibility to pay legal, arbitration and judicial fees. Lawyers shall not face any threat, sanctions or reputational risks while representing relevant cases in third states, international organizations or commercial arbitration.

I request states which impose sanctions against Syria to respect the principle of immunity of state property and the Vienna Conventions on diplomatic and consular relations, including special missions, and to ensure that Syria is able to pay contributions to international organizations, Syrian missions and staff members without any impediments, so they are able to open and keep bank accounts, exercise consular activities, get all necessary insurance and have freedom of movement.

I also request all interlocutors to ensure access of Syrian nationals to information and to exercise freedom of expression online, and to withdraw limitations on their use of online instruments. No individual, sports, cultural or academic institution, organization or association shall have a fear to cooperate with Syrian partners as exchanges in these areas promote the achievement of the Sustainable Development Goals, conflict prevention and maintenance of peace and security worldwide.

While welcoming humanitarian activity and humanitarian responses of UN organs and agencies as well as international and national NGOs, I highlight that this activity shall not be subjected to any limitations due to unilateral sanctions and over-compliance, to preserve the integrity of the status of the United Nations and its agencies, and the status and humanitarian principles of NGOs working in Syria.

I call on all parties to ensure that Syria-based NGOs, charities and associations are always included in any discussion and assessment of the humanitarian situation in Syria,

identification of humanitarian needs of Syrian people and decision-making on humanitarian, early-recovery, capacity building, and reconstruction responses.

I call on sanctioning states and regional organizations to review regulations for delivering humanitarian aid to provide for the general possibility to deliver goods necessary for urgent humanitarian assistance, early recovery, rebuilding and reconstruction without any impediments; to avoid the need to get *ad hoc* multiple licenses, to guarantee that humanitarian organizations are not subjected to risk and do not bear the burden of proof of the purely humanitarian nature of their activities.

I welcome the reported cooperation of the Government with the UN Country Team and UN specialized agencies in Syria in the humanitarian area and call on the Government to further engage in cooperation in the promotion and protection of human rights, including the organization of visits by Special Procedures.

I urge UN organizations and agencies and INGOs to further engage with producers and relevant states, and assist Syria in the procurement of the proper quality raw materials, medicine (including for cancer, PTSD, psychological and mental disorders, etc.), medical equipment and spare parts, vaccines (including against cholera and COVID-19), seeds, fertilizers, fuel, equipment, spare parts and software to ensure reconstruction of critical infrastructure.

I also appeal to UNESCO to actively engage with Syria in eradicating illiteracy, stopping school dropouts and returning children back to schools, especially those deprived of the possibility to study due to armed violence (young adults, IDPs, street children etc.) via rebuilding schools and universities, assisting in the development of special curricula, training and support for teachers; as well as in the sphere of restoration of Syrian cultural sites, preservation and restitution of cultural heritage objects and preservation of the intangible cultural heritage.

I also call parties to guarantee that humanitarian aid is distributed without any discrimination to all Syrians in the country in full cooperation with UN agencies and INGOs.

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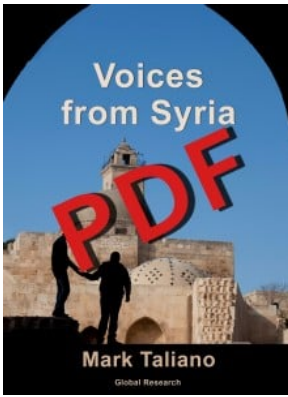
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Our thanks to Mark Taliano for bringing this article to our attention.

Note

[1] According to NRC and UNICEF report of July 2022, the total number is more than 2.4 million for 2021, compared to 0.9 million in 2011/12

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