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Visite en République arabe syrienne

Rapport de la Rapporteuse spéciale sur les effets négatifs des mesures coercitives unilatérales sur l'exercice des droits de l'homme, Alena Douhan*

Résumé

La Rapporteuse spéciale sur les effets négatifs des mesures coercitives unilatérales sur l'exercice des droits de l'homme, Alena Douhan, a effectué une visite officielle en République arabe syrienne du 31 octobre au 10 novembre 2022 pour examiner les incidences des sanctions unilatérales sur l'exercice des droits de l'homme dans le pays et sur le droit au développement. Elle conclut que les sanctions, y compris les sanctions secondaires, et leurs différentes formes d'application excessive, ont de graves répercussions sur l'économie du pays, entraînant d'importantes violations des droits de l'homme et difficultés humanitaires, qui ont été exacerbées par le conflit de longue date ainsi que par la pandémie de maladie à coronavirus (COVID-19). L'étendue des régimes de sanctions unilatérales actuellement imposés à la République arabe syrienne et leur application de plus en plus excessive, en particulier depuis l'adoption de la loi César de 2019 pour la protection des civils en Syrie, ont enfermé le pays dans un carcan qui porte atteinte à un large éventail de droits de l'homme. La Rapporteuse spéciale recommande de lever les sanctions unilatérales, conformément aux normes juridiques internationales et au principe de diligence raisonnable, pour éviter l'adoption de politiques de réduction du risque et l'application excessive des sanctions, et demande à la communauté internationale et aux acteurs humanitaires d'intensifier les efforts déployés pour atténuer les conséquences préjudiciables que les mesures coercitives unilatérales ont sur la situation humanitaire dans le pays.

* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit, joint en annexe, est distribué dans la langue originale et en arabe seulement.



Annexe

Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan, on her visit to the Syrian Arab Republic

I. Introduction

1. The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan, visited the Syrian Arab Republic from 31 October to 10 November 2022 at the invitation of the Government. On 10 November, she presented her preliminary observations to the Government and held a press conference.¹

2. She met with government representatives and their teams, including the Prime Minister; the Minister of Foreign Affairs and Expatriates; the Speaker of the People's Assembly and a number of its members; the Minister of Local Administration and Environment; the Minister of Oil and Mineral Resources; the Minister of Health; the Minister of Social Affairs and Labour; the Minister of Electricity; the Minister of Industry; the Minister of Water Resources; the Minister of the Economy and Foreign Trade; the Minister of Internal Trade and Consumer Protection; the Minister of Agriculture and Agrarian Reform; the Minister of Justice; the Minister of Culture; the Minister of Education; the Minister of Higher Education; the Minister of Finance; the Minister of the Interior; the Minister of Transport; the Minister of Tourism; the Minister of Communication and Technology; the Governor of the Central Bank; and the Chair of the Planning and International Cooperation Commission.

3. The Special Rapporteur also met with representatives of civil society organizations working in different areas and sectors; health-care providers; associations and charities; public and private financial institutions; local and international humanitarian actors; businesses and academia; and churches and faith-based organizations. She also held consultations with the United Nations country team and with members of the diplomatic community based in Damascus and Beirut. She met with representatives of the International Chamber of Commerce and of the country's civil aviation companies. In addition to visiting the capital, the Special Rapporteur visited areas in rural Damascus, Homs and rural Homs. The scheduled field trip to Dar'a in the south of the country was cancelled the day before departure, due to a security assessment and update by the United Nations Department for Safety and Security.

4. Before the visit, the Special Rapporteur issued an open call for contributions from relevant stakeholders.² She extends her gratitude to all her interlocutors who generously offered their time, information and experiences to help her gather first-hand information and understand the impact of unilateral sanctions and overcompliance on people's lives in the Syrian Arab Republic.

5. The Special Rapporteur commends the Government of the Syrian Arab Republic and, in particular, the Ministry of Foreign Affairs for the transparent and constructive manner in which they coordinated and facilitated the visit, and for their responsiveness in providing additional information and data during and after the visit. She also thanks the Resident Coordinator and his office for its support throughout the visit.

II. Context

6. Unilateral sanctions have been imposed against the Syrian Arab Republic since the popular protests of 2011. Such measures have intensified throughout the 12-year violent

¹ See www.ohchr.org/en/node/104160.

² See www.ohchr.org/en/calls-for-input/2022/call-input-visit-syrian-arab-republic.

conflict, with the current situation being perceived as a fully fledged economic, financial and trade blockade, with a multifaceted adverse impact on every sector of the economy and on the lives of Syrian people. The effects of such unilateral sanctions have been severely exacerbated by rising patterns of overcompliance and de-risking by State and non-State actors, including banks and businesses, which – for fear of possible penalties for circumvention of sanctions regimes³ – opt for a complete interruption of any relations with the country, its nationals and companies. This has created a “suffocating effect” on the whole country, as reported by a host of governmental and non-governmental interlocutors.

7. The numerous, complex and comprehensive restrictive measures imposed against the Syrian Arab Republic for more than a decade have also severely undermined the delivery of humanitarian assistance to a population already affected by war, the COVID-19 pandemic and, most recently, natural disasters, and have introduced serious obstacles to the life-saving operations of humanitarian actors, both international and national, despite the existence of formal humanitarian exemptions and exceptions, including for basic goods, such as food and medicine.⁴

8. The history of unilateral sanctions against the Syrian Arab Republic began in April 1979, when the Government of the United States of America added the country to the list of States sponsors of terrorism and imposed export controls on certain goods (“dual use”), “miscellaneous financial and other restrictions” and restricted United States foreign assistance to the country. In 2004, additional measures were adopted through an executive order implementing the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, which, among other measures, prohibited United States exports to the Syrian Arab Republic of all products except for food and medicine, prohibited United States businesses from investing or operating in the country, restricted mobility of Syrian diplomats in Washington, D.C., and New York (to a 25-mile radius), prohibited the aircraft of any Syrian air carrier to take off, land in or overfly the United States and blocked transactions for properties in which the Government of the Syrian Arab Republic had any interest.⁵ As of 2011, through a series of executive orders, unilateral sanctions were further expanded to include: the blocking of property or interests in the property of the Government of the Syrian Arab Republic and of targeted individuals and entities; prohibition of the exportation, re-exportation, sale or supply of services to the Syrian Arab Republic; prohibition of the importation of and dealings in petroleum or petroleum-related products of Syrian origin; and any financing or facilitation by United States citizens of transactions by foreign persons with the Government of the Syrian Arab Republic. The term “Government of the Syrian Arab Republic” was interpreted in broad terms to mean the Government, its agencies, instrumentalities and controlled entities.⁶

9. With the adoption of the Caesar Syrian Civilian Protection Act in 2019 (“Caesar Act”), the United States unilateral sanctions regulations further expanded and included secondary sanctions, thus expanding the extraterritorial jurisdiction of the United States to third-country individuals or entities who provide significant financial, material or technological support to the Government of the Syrian Arab Republic (including entities owned or controlled by the Government itself) or engage in transactions with it, or who supply goods or services to the country’s military forces and energy sector as a whole, as well as directly or indirectly provide significant construction or engineering services.⁷ Currently, in the consolidated sanctions lists on the Syrian Arab Republic administered by

³ For a detailed analysis of secondary sanctions, overcompliance and de-risking, see the Special Rapporteur’s thematic report to the Human Rights Council in 2022, [A/HRC/51/33](#).

⁴ For more information about the humanitarian carveouts, see communications [USA 21/2022](#) and [OTH 106/2022](#). All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

⁵ Executive Order 13338 of 5 May 2004. For the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, see www.govinfo.gov/content/pkg/PLAW-108publ175/html/PLAW-108publ175.htm.

⁶ Executive Order 13582 of 17 August 2011, available at <https://obamawhitehouse.archives.gov/the-press-office/2011/08/18/executive-order-13582-blocking-property-government-syria-and-prohibiting>.

⁷ See www.congress.gov/bill/116th-congress/house-bill/31/text

the United States Office of Foreign Assets Control, there are 693 Syrian individuals and entities.⁸

10. Since 2011, the European Union has adopted a series of restrictive measures, which include: asset freezes on a specific number of individuals; prohibition of the sale, supply, transport or export of equipment that might be used for internal repression; and any technical assistance or brokering in this regard. In 2012, these measures expanded to: prohibition of the export of goods and technologies for the energy sector; a ban on the import of Syrian oil and petroleum products; prohibition of any business or financial dealings with the Syrian energy sector (oil and natural gas), as well as any participation in reconstruction projects with regard to this particular sector; bans on grants and financial assistance to the Government of the Syrian Arab Republic; and restrictions on Syrian civil aviation and cargo carriers.⁹ Currently, travel bans and asset freezes are imposed on 289 individuals and 70 entities.

11. The United Kingdom of Great Britain and Northern Ireland imposed parallel sanctions against the Syrian Arab Republic after the country's decision to leave the European Union, or "Brexit", including the prohibition of any financial and technological support to the Government; asset freezes; prohibition of investments and business dealings, including in the energy sector; travel bans; prohibition of insurance and reinsurance services and of the importation of oil and petroleum products; and blocking banking relationships with Syrian financial institutions.¹⁰ Similarly, Switzerland has, since 2011, aligned its unilateral sanctions regime with that of the European Union.

12. Canada adopted its unilateral sanctions in 2011, which prohibit any dealings with designated persons, including government ministers; imports of Syrian goods with the exception of food; any trade or financial services with any Syrian individual or entity; investments; and any exports of goods, ranging from items that could be used to monitor telecommunications to luxury products.¹¹

13. Similar measures have been adopted by other countries, such as Australia, which maintains consolidated sanctions lists that include hundreds of Syrian individuals and entities. The Arab League has imposed a number of commercial and financial restrictions since the suspension of the membership of the Syrian Arab Republic in November 2011; these may be reviewed following the country's recent readmission.

14. After the earthquake of 6 February 2023, the United States, the European Union and the United Kingdom adopted regulations providing for a six-month easing of some of the sanctions for post-earthquake relief efforts.

Secondary sanctions and overcompliance

15. The expanding scope of unilateral sanctions against the Syrian Arab Republic since 2011 and, in particular, following the adoption of the Caesar Act in 2019, the complexity and vagueness of provisions and regulations, the designation of all Syrian banks entitled to process international transactions, restrictions on key economic areas, prohibition of anything that could be perceived as support for the Government of the Syrian Arab Republic or any entity owned or controlled by it, broad interpretation of the notions of "reconstruction" and "rebuilding" prohibited by sanctions regimes, imposition of secondary sanctions and expansion of civil and criminal jurisdiction to third-State individuals and entities have all resulted in overcompliance and de-risking or complete disengagement with any actors with ties to the Syrian Arab Republic. It has been reported that the challenges posed by complex and multiple sanction regimes, including lack of capacity or financial resources in navigating them, have become a major disincentive for all relevant actors, including States, banks, insurance and transportation companies, other businesses, donors and humanitarian operators, some of which prefer to discontinue their operations altogether instead of assuming

⁸ See <https://sanctionssearch.ofac.treas.gov>.

⁹ European Union Council Regulation No. 442/2011 of 9 May 2011; and Council Regulation No. 36/2012 of 18 January 2012.

¹⁰ See www.legislation.gov.uk/ukxi/2019/792/contents/made.

¹¹ See <https://laws-lois.justice.gc.ca/eng/regulations/sor-2011-114/page-1.html>.

the considerable diligence and legal costs and suffering significant delays in the delivery of goods or in the approval and clearance of financial transactions.

16. The Special Rapporteur received numerous accounts of refusals by foreign financial institutions and businesses to process payments and to deliver goods and services, out of fear of financial, reputational or other consequences. She notes that excessive de-risking of any actor in the chain can cause major disruptions in either the delivery of the necessary goods or funds transfers, even if neither the sender nor the recipient are designated, and even if the goods or services are either of a purely humanitarian nature or are explicitly authorized.

17. As with other sanctioned countries, the Syrian Arab Republic has suffered from the extension of United States jurisdiction in international banking transactions, due to the involvement of its correspondent banks or payments in dollars, which has not only caused serious disruptions and delays in the provision of basic goods, including food, medicines, medical and other equipment and raw materials, but has also seriously impeded the engagement of the Syrian Arab Republic in international cooperation, including payment of membership fees to international organizations, access to funding opportunities and the participation of Syrians and Syrian institutions in academic programmes and cultural and sports activities.

III. Impact of unilateral sanctions on the economic and humanitarian situation

A. General economic context

18. Macroeconomic indicators from 2000 to 2010 show that the Syrian economy was, on average, growing at approximately 5 per cent a year. The year 2010 was the peak year for the country's economy, with a gross domestic product (GDP) of \$252.52 billion and GDP per capita of \$11,305.¹² Agriculture, industry (including the energy sector), retail and tourism were among the most important economic sectors. The conflict has had catastrophic effects on the economy, with significant damage and destruction of the country's productive capacity, assets and infrastructure, as well as massive displacements and refugee flows. That damage was exacerbated by the unilateral sanctions imposed, leading to a protracted slowdown in economic activity, with the economy contracting by more than 90 per cent. In 2020, GDP amounted to only \$11 billion (4 per cent of the level seen in 2010) and GDP per capita stood at \$533 (approximately 5 per cent of the level in 2010).

19. Between 2000 and 2010, the Syrian Arab Republic was considered one of the largest oil producers and exporters in the eastern Mediterranean region, with an average output of 385,000–500,000 barrels a day, out of which an average of approximately 100,000 barrels a day were exported, thus constituting a significant boost to the country's public finances and income.¹³ As of 2011, the Syrian Arab Republic has become a net importer of crude oil, with half of the domestic consumption coming from imported oil.¹⁴

20. Between 2016 and 2019, the Syrian economy showed some improvement with a weak but positive average annual growth rate of 0.6 per cent, but with the intensification of unilateral sanctions and trade restrictions, the consequent overcompliance of non-State actors, particularly following the adoption of the Caesar Act, as well as the State's inability to exploit many of its strategic national assets and natural and other economic resources, which are located outside the area of government control, have eliminated all remaining avenues for economic recovery. Due to these circumstances, together with the economic and other consequences of the COVID-19 pandemic, the economy contracted by 3.9 per cent in 2020.¹⁵

¹² See <https://data.worldbank.org/country/SY>.

¹³ World Bank, *Syria Economic Monitor: Syria's Economy in Ruins After a Decade-long War*, Winter 2022/23.

¹⁴ Ibid.

¹⁵ Submission by the Government of the Syrian Arab Republic.

21. According to data and reports, the Syrian Arab Republic remains in a protracted economic crisis with growing inflation and frequent devaluations of the national currency, all of which have totally eroded the purchasing power of households, which find themselves in a permanent state of survival. The exchange rate of the Syrian pound against the United States dollar grew from 47 Syrian pounds for \$1 in 2010 to 400–500 Syrian pounds in 2019, more than 5,000 Syrian pounds, on the black market, in autumn 2022, and approximately 7,500 Syrian pounds in April 2023, before the unofficial and official exchange rates were reconciled at a lower rate.¹⁶

22. The current uncertainty surrounding the national currency is reflected in regular devaluations, which affect the prices of basic commodities, thus negatively affecting people's lives. During the period between 2000 and 2011, the average inflation rate was approximately 5.5 per cent. Between 2011 and 2015, the annual inflation rate rose at an average rate of more than 44 per cent, continuing its rise in 2016 and 2017, with a small break in 2018. In 2020, it reached 114 per cent, with a cumulative inflation rate increase between 2010 and 2020 of 6,053 per cent, during which time the consumer price index increased by a factor of 61.¹⁷

23. The crisis is exacerbated by the country's financial isolation, due to designation of the Central Bank and all public and some private financial institutions, thus completely blocking international transactions, including those for food, medicine, spare parts, raw materials and items necessary for the country's critical infrastructure, services and economic recovery, and restraining foreign currency inflows. After the adoption of the Caesar Act, the number of foreign correspondent banks of the Commercial Bank of Syria reduced from 100 to 5. For local importers of goods, in 2010, there were 1,241 letters of credit, while now there are only 2.

24. The conflict and the sanctions-induced restrictions have also seriously affected the overall trade of the Syrian Arab Republic, with figures dramatically dropping between 2010 and 2021; from \$18.4 billion to \$1.8 billion for exports and from \$22.7 billion to \$6.5 billion for imports. Trade between the Syrian Arab Republic and the European Union grew from 2016 to 2019 inclusive. In particular, between 2016 and 2017, the value of European Union imports from and exports to the Syrian Arab Republic increased by 43.2 and 23.3 per cent, respectively; between 2017 and 2018, the increase was 12.2 and 21.8 per cent, respectively. However, with the adoption of the Caesar Act in 2019, European Union imports and exports dropped by 43 and 7 per cent, respectively;¹⁸ in 2020, while European Union imports remained the same, the value of European Union exports to the Syrian Arab Republic halved and remained at the same levels in 2021.¹⁹

25. The country's financial isolation can also be demonstrated by the total absence of foreign direct investment, with only two foreign-funded projects in 2022.²⁰

B. Impact of unilateral sanctions on critical infrastructure

26. The 12-year conflict has reportedly destroyed between 50 and 80 per cent of the country's critical infrastructure, including power plants, power grids, water pumping stations and distribution systems, while at the same time an estimated 90 per cent of the country's oil and gas reserves production comes from the north-east, mainly in Dayr al-Zawr and Hasakah, outside government control, which clearly explains the reported serious energy and fuel shortages²¹ and the consequent impacts thereof on critical infrastructure, including water supply, transportation, health and education.

27. At the same time, unilateral sanctions – with their clear restrictions on any activity that could be perceived as assisting the Government, including in reconstruction and rebuilding – have seriously undermined any national efforts to effectively respond to people's

¹⁶ See www.reuters.com/markets/rates-bonds/syria-weakens-official-exchange-rate-2023-01-02.

¹⁷ Information from the Government of the Syrian Arab Republic.

¹⁸ See https://webgate.ec.europa.eu/isdb_results/factsheets/country/details_syria_en.pdf.

¹⁹ European Commission, "Syria: EU trade relations with Syria. Facts, figures and latest developments".

²⁰ Submission by the Government of the Syrian Arab Republic.

²¹ Ibid.; and www.bbc.com/news/50464561.

basic human needs in a viable and sustainable manner, especially in remote and rural areas. Those challenges have also been exacerbated by the reported overcompliance of foreign businesses and financial institutions, which either refuse to deliver construction materials, spare parts and software for power plants, refineries and water pump stations, or block financial transactions for the payment of such goods and services. Almost all interlocutors, governmental and non-governmental alike, highlighted the serious shortages of electricity, fuel and drinking water due to the destruction of plants and distribution infrastructure and the inability to carry out rehabilitation, maintenance and development activities.

28. Power outages are frequent, even in Damascus, with average electricity distribution totalling two to four hours a day, with frequent voltage surges, which may damage both appliances and machinery. Energy production has only been a fraction of the pre-2011 levels, with current oil production standing at 18,000 barrels a day, far short of the level estimated to be necessary, namely 250,000 barrels a day. At the same time, the gas production rate has been slashed by two thirds, from 30 million to 10.6 million cubic metres. According to the Ministry of Oil and Mineral Resources, the country's current energy storage capacity is approximately 9,000 megawatts, but the actual daily energy production is only 2,300 megawatts.

29. Alternative means to secure continued provision of electricity through mobile diesel power generators, in cases of power outages from the main grid, appears also to be a serious challenge due to the absence of fuel, with the Government prioritizing distribution to key infrastructure, including hospitals, the remaining industry and schools. Sanctions-induced shortages have created the conditions for a flourishing black market, speculation and illicit activities, pushing prices even higher. The Special Rapporteur was informed that the Government provides 50 litres of subsidized heating fuel every year to each household, which covers, on average, between a sixth and a quarter of the average annual household consumption. Similarly, each household receives one gas bottle every three months at a subsidised price of 25,000 Syrian pounds, while on the black market the cost of a 12-litre cylinder may reach 220,000 Syrian pounds.²²

30. There are currently two oil refineries in government-controlled areas, for which there is no possibility of procuring spare parts, while at the same time unilateral sanctions, including secondary sanctions, have eliminated any foreign investment and support for further exploration works. In addition, as a result of the prolonged economic crisis, salaries in the oil and gas sector currently represent only 10 per cent of the pre-2011 levels (from approximately \$2,000 a month to \$200 a month), resulting in a brain drain of scientists and experts (an estimated 25 per cent of the workforce). In 2010, the national distribution of diesel was 20 million litres a day, while currently it is only 5.5 million. The distribution of petrol has dropped from 6 million to 3.4 million litres a day.²³

31. Sanctions-induced trade and financial restrictions in the energy sector, as well as challenges in the supply of mechanical and electrical equipment for water and sewage projects and pumping stations, due to overcompliance by foreign businesses and financial institutions, have affected Syrian people's access to water and sanitation. Damaged water distribution, treatment facilities and irrigation infrastructure throughout the country are in dire need of reparation and maintenance, including the water pumping stations in Khafsah, Al-Sen and Al-Fijah, which supply drinking water to more than 11 million Syrians. The Special Rapporteur heard several accounts of the severe shortage of water, particularly in rural areas, with frequent water outages and difficulties in delivering water using water trucks due to fuel shortages.²⁴ Similarly, it has been reported that only 50 per cent of water and sanitation systems function properly in the country, due to destruction, lack of maintenance and reduced power generation capacity.²⁵

32. During the Special Rapporteur's visit to Abil village in rural Homs, near the border with Lebanon, she noted the complete absence of running water in the primary and lower

²² Submissions by civil society organizations.

²³ Submission by the Government of the Syrian Arab Republic.

²⁴ Submission by a civil society organization.

²⁵ International Committee of the Red Cross, "Syria water crisis: up to 40% less drinking water after 10 years of war", 1 October 2021.

secondary schools, which served hundreds of pupils, with only two hours of electricity available each day. In addition, the local Homs governorate reported that the local water pumps were only able to function for four hours a day, while in certain remote regions, the water was available for only one or two hours every few days and, in some cases, every few weeks, with the allocation of drinking water being reduced to 30–40 litres a day, down from 130 litres a day before 2011. That information has been corroborated by international and national humanitarian and development actors, who indicated that water pumps in the Syrian Arab Republic were operating at 15–25 per cent of their capacity, due to the lack of fuel and gas.²⁶ Furthermore, the destruction of specialized repair shops, the brain drain of qualified staff and the outdated reparation machinery have put an additional strain on any efforts to rehabilitate the water distribution system.

33. The United Nations and other international organizations have been assisting the Government with the implementation of relevant projects, including the rehabilitation of wells, the provision and installation of water tanks and pumping material and the procurement of water sterilization and purification materials. However, more needs to be done, and all relevant actors, including sanctioning States, donors, businesses, financial institutions and humanitarian actors, should step up efforts to address the problem, which has serious adverse effects on people's lives and survival. The Special Rapporteur heard accounts of foreign businesses' overcompliance and fear of possible sanctions violations, thus delaying or refusing to send spare parts and specialized equipment, including gas turbines and other equipment not found or produced locally, for maintenance and further development of the damaged water distribution infrastructure.

34. Access to safe, affordable and reliable drinking water and sanitation is a basic human right and crucial to human health and well-being. Inadequate access has serious public health implications, as attested by the recent cholera outbreak in the country, which was reportedly the result of drought and the overall scarcity of water, forcing farmers to rely on sewage water for irrigation purposes.²⁷

C. Access to food

35. The Syrian Arab Republic, a predominantly agricultural economy, was producing approximately 18 million of tonnes of agricultural products and livestock every year between 2000 and 2010. Currently, such production does not exceed 12 million tonnes a year. The agricultural sector represented approximately 20 per cent of the country's GDP in 2010.²⁸ Destruction and prolonged economic and financial isolation have negatively affected the country's industry and other economic sectors, and reduced the country's GDP to a tenth of its pre-2011 levels, thus leaving agricultural production as the most important economic activity. Nevertheless, that sector has also been severely affected by the sanctions-induced restrictions, including prohibition of the importation of agricultural machinery, fertilizers and seeds, the lack of water for irrigation²⁹ and diesel and the loss of fertile lands, currently located in areas outside the Government's control, mainly in the north-east of the country. In particular, with regard to fertilizers, the Government is only able to secure 5,000 tonnes of the 1 million tonnes needed overall each year. Moreover, given that the deliveries are made by sea, there is always the risk of interception of ships in international waters by the fleet of sanctioning countries that is present in the south-east Mediterranean Sea. Smuggling of lower quality agricultural inputs is also reported to be a major challenge in the current context, including fumigation substances with irregular dosages.³⁰

²⁶ Submission by a civil society organization.

²⁷ Norwegian Refugee Council, "Inside Syria's water crisis: a cholera outbreak in the making", 29 December 2022.

²⁸ See <https://data.worldbank.org/indicator/NV.AGR.TOTL.ZS?locations=SY>.

²⁹ Part of the problem of water scarcity is due to the hydroelectric projects of Türkiye near the border with the Syrian Arab Republic, which significantly reduce the Euphrates' downstream water flow through the Syrian fertile lands from Raqqah to Dayr al-Zawr.

³⁰ Information from WFP.

36. The Syrian Arab Republic is facing a serious food crisis, which amounts to a humanitarian catastrophe, with hardly any sign of improvement.³¹ According to the World Food Programme (WFP), more than 12 million Syrians – more than half of the population – are grappling with food insecurity (51 per cent more than in 2019) and 2.4 million are severely food insecure. Between 2020 and 2021, an additional 4.5 million Syrians became food insecure. Moreover, WFP and the United Nations Children’s Fund (UNICEF) report a rise in malnutrition, stunting and maternal malnutrition to unseen levels, with more than 600,000 children under the age of 5 suffering from acute malnutrition and stunting, with an increase of 48 per cent between 2020 and 2021.³² According to information from WFP, more than 60 per cent of pregnant and breastfeeding women are anaemic and 10 per cent malnourished,³³ which constitutes tangible proof of the severe generational effect of unilateral sanctions, in addition to the generational effect of war.

37. The production of wheat – a fundamental ingredient in the Syrian daily diet – fell from 3.1 million tonnes in 2019 to less than 1.7 million tonnes in 2022. Wheat production in the government-controlled areas fell to one third of pre-2011 levels and the Government has to import 1.5 million tonnes annually.³⁴ Similar situations exist in relation to cotton and barley. Cotton seeds are turned into oil for cooking and are also used for cattle feed. Cotton production fell from 1,500,000 to 75,000 tonnes a year, with more than 90 per cent of production taking place in areas outside the control of the Government.³⁵

38. Government food and cash support programmes are unable to tackle that problem, given the critical economic situation, while obstacles in obtaining agricultural inputs, such as fertilizers, seeds, pesticides and fodder, and spare parts for agricultural machinery prolong and exacerbate the crisis in the sector. The Government provides 4 million families (14 million individuals) with “smart cards” for subsidized food, but they only cover approximately 32 per cent of food needs and there are reported inefficiencies and delays,³⁶ which have led the Government to consider other means, such as direct financial support to households. Bread is heavily subsidized: a bag of bread costs approximately 3,000 Syrian pounds to produce, but is sold for 200 Syrian pounds.³⁷

39. At the same time, inflationary pressures and frequent currency devaluations caused by the sanctions-induced prolonged economic and financial restrictions, compounded by the loss of the terrestrial trade route with Lebanon, have resulted in price spikes. According to the Government, the consumer price index rose to 3,776 between 2020 and 2021 and 7,580 between 2021 and 2022.³⁸ Prices for food commodities and agricultural goods rose more than 150 per cent between 2019 and 2020, and retail prices for wheat flour, rice and sugar almost doubled between 2021 and 2022. Other essential goods, such as vegetable oil and cooking gas tripled and doubled in price, respectively, following the enactment of the Caesar Act.³⁹

40. The Special Rapporteur received disturbing accounts about radical changes in dietary patterns due to extremely high prices in basic food items and the dire financial situation of Syrian households, particularly female-led households. Between August 2021 and August 2022, the price of the standard food basket rose by 85 per cent;⁴⁰ at present it is more than twice the average public sector salary.

³¹ International Federation of Red Cross and Red Crescent Societies, “Syria crisis: 10 years on, humanitarian situation is worse than ever”, 4 March 2021.

³² UNICEF, “UNICEF warns of looming child nutrition crisis in Syria amid 12 years of conflict and deadly earthquakes”, 15 March 2023.

³³ Information from WFP.

³⁴ Information from the Government of the Syrian Arab Republic.

³⁵ Ibid.

³⁶ Submission by a civil society organization.

³⁷ Information from the Government of the Syrian Arab Republic, corroborated by international civil society organizations.

³⁸ Information from the Government of the Syrian Arab Republic.

³⁹ Submission by a civil society organization.

⁴⁰ See <https://docs.wfp.org/api/documents/WFP-0000142857/download/#:~:text=In%20August%202022%2C%20the%20Syrian,percent%20loss%20in%20two%20years.>

41. The Special Rapporteur was informed about the impact of unilateral sanctions and overcompliance on the implementation of projects aimed at rehabilitating the food production industry, including industrial bakeries and mills, even if such projects are led by international organizations. Procurement of machinery and specialized spare parts are almost impossible due to trade and financial restrictions, thus significantly affecting the production of basic food items, such as bread, which also constitutes an important element of Syrian culture. The situation is reported to be so critical and humiliating for Syrians that the Government is forced to import between 15 and 30 tonnes of bread a day to cover demand.

D. Impact on the right to health

42. The Special Rapporteur notes with alarm the multifaceted adverse impact of unilateral sanctions on the health sector in the Syrian Arab Republic, with catastrophic effects on the lives of all Syrians, particularly for those living outside urban areas. In contrast, the pre-war medical sector flourished with local pharmaceutical production exceeding 87 per cent of the country's pharmaceutical needs and with exports to 73 countries.⁴¹

43. With an estimated 14.6 per cent of Syrians suffering from chronic and rare diseases, the Special Rapporteur was informed about challenges and obstacles in the procurement and delivery of life-saving medicines, including for cancer treatment, kidney dialysis, multiple sclerosis, hypertension, anaemia, diabetes, respiratory treatment and anaesthetics, among others, as a result of the trade and financial restrictions imposed in the country, the withdrawal of foreign pharmaceutical producers and restrictions on imports of raw material and reagents for local production due to the de-risking policies of foreign companies and/or banks.

44. Although medicines and medical devices are technically not subject to sanctions, the vagueness and complexity of the licensing processes, the persistent fear among foreign producers and suppliers, the restrictions on the processing of payments and the obstacles in deliveries have rendered medicines and medical equipment inaccessible to Syrians, in particular foreign-produced medicines for the treatment of rare and chronic diseases.⁴² Alternative avenues of procurement are riskier and costlier due to the involvement of brokers and intermediaries, with increased likelihood of corruption and other irregular practices. It is reported that, in certain cases, Syrian doctors themselves were forced to bring into the Syrian Arab Republic, through their networks abroad, medicines and medical equipment not available in the country, bearing the financial costs themselves in order to be able to treat their patients.⁴³

45. In her visit to Al-Basel Hospital in Homs, the Special Rapporteur observed the significant shortages in medical equipment. With 125 specialized doctors and 850 nurses covering the needs of the whole region inside and around the city of Homs, there were only two sterilizer machines (one of them not working due to lack of spare parts), one kidney treatment machine, which was not working due to lack of spare parts, and a few old dialysis machines, which were overused in order to cover the weekly treatment of approximately 275 patients. According to government data, 118 operational haemodialysis units, eight computerized tomography (CT) scan devices and a number of magnetic resonance imaging (MRI) devices have been irreversibly out of service in Damascus, rural Damascus, Tartus, Dayr al-Zawr, Hama and elsewhere, due to the lack of spare parts and outdated software. Other medical devices in shortage include B-scans, endoscopic devices, X-rays, cardiac catheters, incubators, ventilators for use in intensive care units and oxygen generators. For cancer treatment, there is only one linear accelerator device in the whole country, at the Al-Bairouni Hospital, in Damascus.⁴⁴ In the few reported cases of successful delivery of specialized medical equipment, the equipment could not be operated because of the non-

⁴¹ Information from the Government of the Syrian Arab Republic.

⁴² See www.reuters.com/article/us-mideast-crisis-syria-sanctions-idUSKBN16M1UW.

⁴³ Information from a civil society organization.

⁴⁴ Information from the Government of the Syrian Arab Republic.

delivery of the operating software or the non-performance of post-sale installation and maintenance services.

46. Inflationary pressures have significantly increased the costs of medical services and treatments for Syrians; they are no longer able to afford the simplest medical treatments, let alone more complex and costlier surgical operations. Reports highlight how Syrian families face a dilemma between the need to secure food and bearing the costs of health care.⁴⁵ In 2021, the Government allocated 300 billion Syrian pounds of the State's budget to medical services in public hospitals. In 2022, the amount rose to 800 billion Syrian pounds for the same services, while it is estimated that it will take more than 1,500 billion Syrian pounds to provide the same level of care as in 2010 in the public health-care system. Until 2011, children's cancer treatment was provided for free in Al-Bairouni Hospital, in Damascus, while now, due to the rising medical costs, it is being coordinated by civil society organizations through private donations, which have been reduced due to disruptions in payments.⁴⁶ Being under the Ministry of Higher Education and the Ministry of Health, the Hospital's budget and capacity have been significantly reduced due to the inclusion of ministers on the sanctions list.⁴⁷

47. The Special Rapporteur received information about the disproportionate impact of sanctions-induced restrictions on medical production and imports on women's health, including sexual and reproductive health, as well as mental health and psychosocial support, in particular for the approximately 4 million internally displaced women and adolescent girls. Reports indicate the severe shortages of medicines and medical equipment for pregnancy and childbirth, thus heightening the risks of maternal and child mortality, and forcing women and adolescent girls out of the country to seek medical assistance and care.⁴⁸

48. Energy shortages cause frequent disruptions in the distribution of electricity to hospitals and health centres. Power grid distribution is secured for only 10 to 11 hours a day, with the rest covered by diesel power stations and generators. Due to the irregularity of electricity, power cuts and electric overloads, medical operations are interrupted and medical equipment and sensitive medicines are damaged, without the possibility of reparation or replacement due to trade and financial restrictions.

49. Furthermore, as it is the case for other sectors, health care in the Syrian Arab Republic has been severely affected by the exodus of doctors and other health-care professionals due to the war and the dire economic situation, with reports estimating that more than 50 per cent of health professionals have left the country or perished since 2011.⁴⁹ The shortfall in health-care professionals was particularly felt during the catastrophic earthquake of February 2023, with more than 7,000 dead and hundreds of thousands affected.

50. In addition to the serious structural and operational challenges mentioned here, doctors and other health-care providers are subject to restrictions in accessing specialized information and scientific updates, either due to restrictions on access to online medical databases through Internet Protocol address blocking, travel bans or limited funding opportunities for their participation in scientific conferences abroad or joint/international research projects.

E. Humanitarian assistance and persons in situations of vulnerability

51. During her visit, the Special Rapporteur met with international and local humanitarian actors who had been operating for years in the country. They described the operational complexities in the delivery of humanitarian assistance in the face of unilateral sanctions and

⁴⁵ Ziad Ghisn, "How economic sanctions negatively affect the health sector in Syria: a case study of the pharmaceutical industry", LSE Blogs, 16 April 2020.

⁴⁶ Submission by a civil society organization.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ The average monthly salary of a doctor is between 100,000 and 150,000 Syrian pounds (approximately \$30 to \$50). See also Laure Stephan, "Syria faces shortages of doctors", *Le Monde*, 11 June 2022.

overcompliance. They noted the extreme complexity and vagueness of the current unilateral sanctions regimes against the Syrian Arab Republic and the licensing processes, which, along with the observed differences among the sanctioning States in the scope and interpretation of those restrictive regulations and measures, posed serious obstacles for humanitarian operators in their efforts to navigate those regulations and to ensure that the implementation of their projects would not be perceived as violations, leaving them exposed to penalties or other consequences.⁵⁰ It was reported that, for some goods, humanitarian actors had to apply for two or three different licences to the different competent authorities in the United States and the European Union, waiting for months for their requests to be approved.⁵¹

52. Those most affected are often the smaller organizations, which have neither the human resources nor the financial means to carry out a thorough analysis and due diligence for informed decisions and actions. Outsourcing legal advice, aside from being costly, may also be counterproductive, with lawyers usually proposing zero-risk approaches. The result is often complete disengagement from any activity or discontinuation of existing projects, out of fear of penalties that, in some cases, may be higher than the value of the humanitarian assistance provided.

53. A particularly problematic issue is the absence of a clear understanding and interpretation by States and donors of the term “humanitarian assistance”,⁵² which may further blur the scope of authorized humanitarian activities. Often humanitarian assistance is interpreted narrowly by excluding much needed development interventions that could enable impactful actions with sustainable results. Any such structural intervention (including to rebuild water, electricity or gas supply infrastructure) may be perceived as “reconstruction” and therefore as an act of support for the sanctioned State authorities. The Special Rapporteur is of the view that effective delivery of humanitarian assistance is contingent upon functioning infrastructure in the region of operations (and in the case of the Syrian Arab Republic, the ones mentioned above), which need to be rehabilitated if damaged, as well as continuously maintained, as they cannot be effectively replaced by ad hoc short-term, piecemeal solutions.⁵³

54. Humanitarian actors also specifically mentioned the chilling effects on banks and other financial institutions of the expanded sanctions regimes and the imposition of secondary sanctions through the Caesar Act, leading to either blocking of international payments to the Syrian Arab Republic or to significant delays, with serious consequences in the timing of the delivery of life-saving assistance. At the same time, they raised concerns about the high costs of their operations, including due to the sanctions-induced rising cost of fuel. Even the work of United Nations agencies and programmes is affected by the situation, with serious procurement and money transfer delays, which may reportedly take between 8 and 18 months and pose significant losses in the value of humanitarian aid due to the irregular fluctuations of exchange rates.

55. While acknowledging the existence in the sanctions regulations of humanitarian carveouts for basic goods, including food and medicines, the Special Rapporteur notes the concerns expressed by humanitarian operators regarding the inability of such measures to effectively address the persisting operational difficulties, as well as the problem of overcompliance and de-risking by donors, businesses and banks, even in situations of emergency. The Special Rapporteur raised similar concerns in her communications to the United States and the European Union in October 2022.⁵⁴ In April 2023, she addressed a new

⁵⁰ See also Justine Walker, prepared for the Economic and Social Commission for Western Asia and the Office of the Resident Coordinator in the Syrian Arab Republic, “Humanitarian impact of Syria-related unilateral restrictive measures” (2016), available at www.documentcloud.org/documents/3114567-Study-on-Humanitarian-Impact-of-Syria-Related.

⁵¹ Information by a civil society organization.

⁵² Danish Refugee Council and Oxfam, “Aid in limbo: why Syrians deserve support to rebuild their lives” (Oxford, 2019), sect. 5.

⁵³ UNICEF reports that certain donors have not allowed humanitarian organizations to repair damaged sewer systems and have been reluctant to authorize repair of critical health and education infrastructure. UNICEF, “Sanctions and their impact on children” (New York, 2022).

⁵⁴ See communications USA 21/2022 and OTH 106/2022. See also [the response of the European Union](#) (the United States did not respond).

set of letters to the United States, the European Union and the United Kingdom, seeking more information on the scope, application and efficiency of the time-bound (six-month period) special general licences, which were adopted to facilitate the relief efforts following the catastrophic earthquake.⁵⁵

56. The above-mentioned challenges and the weakened national capabilities as a result of the decade-long sanctions have undoubtedly affected social protection programmes and life-saving assistance to all Syrians, in particular those in vulnerable situations. It is reported that 90 per cent of Syrians live below the poverty line, while a staggering 6 million are assisted by WFP through a “lifeline” of monthly food assistance.⁵⁶ The Ministry of Social Affairs and Labour has reported a decline in the overall number of its workers by 300,000, with the social protection programmes being mainly coordinated by the approximately 2,000 registered civil society organizations.⁵⁷

57. According to United Nations estimates, approximately 90 per cent of children in the Syrian Arab Republic need humanitarian aid to survive,⁵⁸ some of whom in street situations are subjected to early marriage, begging, child labour, drug use, sexual exploitation and other abuses. Many children are at risk of de facto statelessness, without access to official documentation. Humanitarian and faith-based organizations strive to provide safe spaces, alternative care and educational programmes with their limited resources and funding opportunities due to the financial blockade. Even United Nations agencies reportedly face serious challenges in implementing projects for this vulnerable population due to donors’ overcompliance and excessive de-risking.

58. Critical conditions face the approximately 7 million internally displaced persons, who have lost their homes and livelihoods, without any real prospects – in the absence of financial means and sustainable employment opportunities – of rebuilding their lives. Of particular concern is the situation of female-led households in this current context of a growing economic crisis, despite the efforts of the Government to provide some financial support with cash transfers and social support programmes, which ultimately lose their real value due to currency devaluations and rising prices.

59. Similar hardships are suffered by persons with disabilities due to the absence of dedicated support programmes and the extremely high prices of adaptive equipment, as well as older persons who are forced to rely on family members for a dignified life.

60. In the aftermath of the February 2023 earthquake, despite the adoption of sanctions’ relief regulations for six months by the United States, the European Union and the United Kingdom, the delivery of life-saving humanitarian assistance, as well as any bank transfers for that purpose, are still reported to be extremely lengthy and problematic. Humanitarian actors report a reluctance on the part of banks to process financial transactions in relation to the Syrian Arab Republic or Syrians.

F. Other areas

61. Destruction and the prolonged unilateral sanctions have, in multiple ways, affected access to education. There are an estimated 2.4 million children and adolescents out of school, with 1.6 million at risk of dropping out.⁵⁹ There is also a serious lack of school infrastructure due also to the restrictions on the importation of building materials, including cement. A total of 8,733 school buildings are completely out of service (48 per cent). In rural Homs, the Special Rapporteur visited schools with damaged windows, walls and doors, in which classes were still taking place on a daily basis; civil society organizations were striving

⁵⁵ Communications [USA 7/2023](#), [OTH 21/2023](#) and [GBR 6/2023](#).

⁵⁶ See www.wfp.org/stories/hunger-poverty-and-rising-prices-how-one-family-syria-bears-burden-11-years-conflict.

⁵⁷ Information from the Government of the Syrian Arab Republic.

⁵⁸ UNICEF, “Sanctions and their impact on children”.

⁵⁹ See www.unicef.org/syria/media/13381/file/Syria-Every-day-counts-Cost-of-not-investing-in-Education-BRIEF-June-2023-English.pdf and www.nrc.no/perspectives/2022/creating-spaces-for-hope.

to provide financial support for their partial rehabilitation. Only 4 to 7 per cent of schools have sufficient access to electricity and heating during winter and less than 40 per cent have running water.⁶⁰ At the same time, there is a severe shortage of teachers, with an estimated ratio of one teacher for every 100 students.⁶¹ The average monthly salary in 2022 represented only 5 per cent of the one in 2010 (\$25 compared with \$500). It is estimated that more than 150,000 teachers have left the education system, with some of them leaving the country altogether. In addition to existing challenges as regards infrastructure and the scarcity of teaching personnel, another obstacle to the enjoyment of the right to education is the extremely high associated costs, including transportation, stationery and other equipment. In some cases, and despite teachers' determination and commitment, high transportation costs, including the high fuel prices, are the main obstacles preventing them from accessing their schools and performing their duties.

62. In addition, the Special Rapporteur received information about shortages of books due to the unavailability and high prices of paper, with the Ministry of Education printing only 40 per cent of the books it printed in 2012 (down from 100 million to 40 million books); UNICEF provided support, on average, for an additional 1.7 million books annually between 2020 and 2022.⁶² According to data from the Office for the Coordination of Humanitarian Affairs at the time of preparation of the present report, only \$56 million had been allocated to the education sector in the Syrian Arab Republic out of the total \$351 million needed according to the 2022–2023 humanitarian response plan and appeal (namely, only 16 per cent).⁶³ As a result, the literacy rate has reduced from 91 (before 2011) to less than 80 per cent by 2022. Furthermore, the Special Rapporteur was informed about the discontinuation of academic exchanges, joint scientific projects and training programmes for Syrian academics, scientists and professionals in foreign institutions, and disruptions in payments for Syrian students' education fees abroad.

63. Tourism, once a flourishing industry with a 14 per cent share of the country's GDP and more than 250,000 employees and professionals, has stalled due to the conflict and the long-term effects of unilateral sanctions. Foreign investments have frozen out of fear of secondary sanctions, foreign tourism agencies and hotel groups have left the country and 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 the sector. It is estimated that 190,000 jobs have been directly lost.⁶⁴ Tourism has also been adversely affected by the collapse of the Syrian handicraft industry and its intangible heritage, mainly due to the destruction of traditional workshops and the sanctions-induced trade and financial restrictions.

64. Linked to this and to opportunities for international cooperation in general, the Special Rapporteur notes the impact of unilateral sanctions on the transportation sector, including international transportation, with the suspension of services by international airlines and the designation of Syrian airlines and the restrictions on the procurement of spare parts, technical upgrades and software for the already meagre civil aviation fleet (only three aeroplanes). The Special Rapporteur was informed about cases of, among others, aeroplane engines being sent to European companies for repairs and upgrades, without being returned, the freezing of Syrian airlines foreign accounts and the non-payment of earnings from the International Air Transport Association Clearing House. In addition, 80 per cent of the total 2,530 km of railways has been destroyed,⁶⁵ as is the case of 9,000 km of roads, thus seriously affecting national and international trading routes and commodity prices.⁶⁶ The designation of the General Directorate of Syrian Ports, the Lattakia and Tartous Ports General Companies and

⁶⁰ According to government data, 26 per cent of schools do not have a "source of purified drinking water".

⁶¹ Kinana Qaddour and Salman Husain, "Syria's education crisis: a sustainable approach after 11 years of conflict" (Middle East Institute, 2022).

⁶² Information from the Government of the Syrian Arab Republic.

⁶³ See <https://fts.unocha.org/appeals/1088/summary>.

⁶⁴ Information from the Government of the Syrian Arab Republic.

⁶⁵ Ibid.

⁶⁶ See www.arabnews.com/node/1369131/middle-east.

the Syrian General Authority for Maritime Transport, as well as vessels,⁶⁷ has resulted in the plummeting of the total number of containers managed by both Lattakia and Tartous ports, down from 688,000 to just 153,000 containers.

65. As regards culture, the Special Rapporteur received information about the discontinuation of foreign donations, the inability to implement foreign-funded projects for cultural heritage preservation and for the restitution of artefacts that were looted from museums and archaeological sites during the conflict.

66. The unilateral sanctions imposed have negatively affected access to new technologies, including information technologies, access to websites and online platforms for education, training, communication and commercial purposes, by blocking Internet Protocol addresses, disrupting online payments⁶⁸ and restricting trade on the basis of the rule of 10 per cent of material, technology or software originating in the United States, on top of the frequent power cuts. Foreign telecommunication, software and online service providers are reluctant to engage in projects out of fear of possible sanctions violations and fines,⁶⁹ with serious consequences for the development of these services, including for education and health care. An online presence is not available to the 37 per cent of Syrians not covered by mobile operators or the 45 per cent not connected by landline due to the unavailability of equipment.⁷⁰

G. Issues of legality

67. The Special Rapporteur recalls that unilateral measures carried out without, or beyond, the authorization of the Security Council that cannot be qualified as retortions or countermeasures, and/or that do not comply with the principles of proportionality, temporality and respect for peremptory norms of international law and human rights, are not compatible with international law.

68. The state of national emergency announced by the Government of the United States in 2003 as the grounds for introducing sanctions against the Syrian Arab Republic (extended in May 2022) is not compatible with the requirements of article 4 of the International Covenant on Civil and Political Rights and the non-derogability of fundamental human rights, such as the right to life and the right not to be subjected to torture or cruel, inhuman or degrading treatment.

69. Qualification of the Syrian Arab Republic as a State sponsor of terrorism as a ground for imposing unilateral sanctions against it, in the absence of relevant resolutions by the Security Council, violates the principle of the sovereign equality of States.

70. The extraterritorial application of secondary sanctions and threats to third-State nationals and companies 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.

71. Freezing or blocking of the foreign assets and property of the Central Bank is a violation of international law governing immunity of States and their property and, in practical terms, poses serious challenges for the country to carry out the necessary measures, through the use of such assets, to protect and promote the well-being of all those residing on its territory. Similar adverse effects occur as result of the pressure on international financial

⁶⁷ See www.shipownersclub.com/publications/syria-sanctions.

⁶⁸ In 2018, Coursera and Udemy, online courses providers, decided to block their websites (in their entirety or parts thereof) due to sanctions, see <https://freedomhouse.org/country/syria/freedom-net/2020>. See also Coursera's international restrictions, available at www.coursera.support/s/article/208280116-International-restrictions?language=en_US.

⁶⁹ For civil penalties against Microsoft for "alleged and apparent violations of U.S. export controls and sanctions", see <https://home.treasury.gov/news/press-releases/jy1394>.

⁷⁰ Information from the Ministry of Communication and Technology.

institutions to refrain from providing financial assistance to sanctioned Governments, including in the form of loans, which could be utilized to respond to immediate humanitarian or developmental needs, constituting a clear case of discrimination, especially in situations of emergency.

72. Depriving Syrian diplomatic missions and their staff of the possibility of opening and using bank accounts, receiving money transfers for diplomatic, consular and other operational activities or obtaining insurance for premises and staff to enjoy freedom of movement do not conform with the Vienna Conventions on Diplomatic and Consular Relations.

73. No reference to well-intentioned objectives or the unintended negative humanitarian consequences of unilateral sanctions justifies the violation of fundamental human rights or the international obligations of States to the Syrian Arab Republic and its people. It is also inconsistent with the due diligence principle in international law, which obliges States to guarantee that their activities, as well as the activities performed under their jurisdiction and control, do not violate their international obligations, including the obligations to promote and protect human rights.

74. Therefore, the Special Rapporteur is of the view that the unilateral sanctions imposed against the Syrian Arab Republic do not conform with a significant number of international legal norms, are introduced to apply pressure on the State and its institutions, cannot be justified as countermeasures or retortions under the law of international responsibility and therefore can be qualified as unilateral coercive measures.

IV. Conclusions

75. The Special Rapporteur notes with grave concern the catastrophic humanitarian impact of the primary unilateral sanctions and secondary sanctions imposed, the threat of sanctions, de-risking policies and overcompliance with sanctions on a country under a prolonged and growing humanitarian crisis, which has suffered from 12 years of conflict and terrorist activity, the destruction of infrastructure, the COVID-19 pandemic, regional economic spillovers, millions of internally displaced persons and refugees, and natural disasters and their consequences.

76. The multifaceted adverse effects on the Syrian people have been the subject of reports and advocacy by various stakeholders, including United Nations entities, other international organizations, non-governmental organizations and humanitarian actors and academics. The Special Rapporteur welcomes that work and deeply regrets the failure of the international community to draw lessons from those findings and to take the necessary steps to put an end to what she has called the “suffocating effect” of unilateral coercive measures.⁷¹

77. Statements on the targeted character of unilateral sanctions are false and misleading. In practice, depending on the role and operation of the targeted individual or entity, on top of the overall overcompliance, the sanctions often have a sectoral or even comprehensive effect, thus isolating a country as a whole.⁷²

78. Primary sanctions, secondary sanctions and overcompliance have a clear economic and social impact on the Syrian Arab Republic, resulting in reduced State capacity to implement economic, development and social policies. They have prevented investments in the rehabilitation and further development of critical infrastructure in relation to energy and electricity, water and sanitation, health care, education, agriculture and food production, transportation and civil aviation, among others. Of particular concern is the unavailability, due to trade and financial restrictions, of new technologies, spare parts and software for the rehabilitation, maintenance and upgrading of such infrastructure.

⁷¹ See www.ohchr.org/en/node/104160.

⁷² A/76/174/Rev.1.

79. The Special Rapporteur underscores the importance of functioning infrastructure in the promotion and protection of fundamental human rights, including the right to life, health, food, adequate housing, an adequate standard of living, water and sanitation and a healthy environment. The whole population lives 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), work, education, health care, medical equipment and medicine, rendering the country extremely vulnerable and dependent on humanitarian assistance. All of the above also prevent the implementation of development, social, academic, cultural and environmental projects and the maintenance and restoration of the tangible and intangible heritage of the Syrian people, with broader cultural and civilizational consequences.

80. In the current situation of a growing humanitarian crisis and following the catastrophic earthquake of February 2023, the Special Rapporteur commends the determination and work of all humanitarian operators, international and national, and their tireless efforts to deliver their life-saving assistance and uphold humanitarian principles. She expresses grave concern about the important operational challenges that they face in securing licences, even for exempted goods and activities, in relation to procurement and delivery and in performing financial transactions for payment purposes or for direct financial support to those most in need.

81. The Special Rapporteur welcomes efforts by Syrian civil society and humanitarian actors to provide assistance to persons in vulnerable situations. Due to the limited scope of their projects, the unavailability of legal and technical assistance, banking and other financial restrictions and language obstacles, they face difficulties in securing licences and funds.

82. It is unacceptable that, even in moments of utmost urgency, in the case of the post-earthquake destruction and human suffering, the temporary easing of some restrictions were not sufficient to eliminate overcompliance with existing unilateral sanctions among banks, businesses, shipping and insurance companies and donors, thus preventing the timely delivery of the much-needed humanitarian aid and the transfer of funds. Humanitarian exemptions and post-earthquake regulations remain bureaucratic, costly and ineffective.

83. The stated readiness and threats to impose secondary sanctions and criminal and civil penalties against individuals, businesses and banks for allegedly circumventing unilateral sanctions prevent money, including donations and remittances, being transferred, which results in enormous delays in procurement and the delivery of low quality or counterfeit goods and encourages smuggling, corruption and a flourishing black market.

84. Reduced national revenues and the prolonged economic regression have prevented the Government from implementing social support programmes to ensure the protection of fundamental rights, including the right to food, the right to be free from poverty, the right to health, economic and social rights and the right to a decent life, and impeded the realization of the Sustainable Development Goals.

85. The deteriorating economic and humanitarian situation disproportionately affects the most vulnerable segments of society, including internally displaced persons, although data and accounts received by the Special Rapporteur bear witness to the vulnerability of Syrian society as a whole. Poverty and food insecurity are rampant, with female-led households being particularly affected, and children, persons with disabilities and older persons further marginalized, vulnerable to discrimination and abuse and without any prospect of sustainable social protection.

86. The protection of human rights in the Syrian Arab Republic is not possible without rebuilding all critical infrastructure and services in cooperation with United Nations agencies and continuing and unconditional humanitarian assistance. Maintaining unilateral sanctions amid the current catastrophic and still-deteriorating situation in the country may amount to a crime against humanity, against all Syrian people.

V. Recommendations

87. The Special Rapporteur reminds all parties of their obligation under the Charter of the United Nations to observe principles and norms of international law, including the 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.

88. The Special Rapporteur calls upon sanctioning States:

(a) To lift all unilateral measures against the Syrian Arab Republic and its nationals and entities that are imposed without the authorization of the Security Council and the use of which cannot be justified as retortions or countermeasures in accordance with international law, and that prevent, among others, the much-needed rebuilding and reconstruction of the country, as well as the rebuilding of the lives of the Syrian people;

(b) To remove, in particular, all restrictions on trade, financial payments and delivery of critical goods and goods essential for the reconstruction and functioning of critical infrastructure, including food, medicines and medical equipment, agricultural inputs and fertilizers, spare parts and equipment for critical infrastructure, and communication and transportation equipment, which are essential for the enjoyment of human rights by Syrians;

(c) To release the assets of the Central Bank held in foreign banks and the property and assets of the Government of the Syrian Arab Republic and public and private companies, including joint ventures, to be used for humanitarian purposes, early recovery and reconstruction, including in cooperation with United Nations entities;

(d) To lift any obstacles to the performance of diplomatic and consular functions by Syrian diplomatic representations abroad, in accordance with international law and the Vienna Conventions on Diplomatic and Consular Relations;

(e) To avoid written or oral threats or any other act that may result in the application of unilateral sanctions or in overcompliance; to interpret all restrictions in the narrowest possible way; and to provide general humanitarian exemptions instead of ad hoc derogations to all humanitarian actors pending the lifting of unilateral sanctions.

89. In the current context of growing humanitarian needs, pending any decision on the review and lifting of unilateral sanctions in their entirety, the Special Rapporteur calls upon sanctioning States:

(a) To immediately lift any operational and administrative obstacles to the unfettered and timely delivery of humanitarian assistance, by all relevant stakeholders, including States, United Nations entities, other international organizations, international and Syrian civil society and any individual inside or outside the Syrian Arab Republic;

(b) To provide clear and free-of-charge guidance to all humanitarian operators on the scope and application of existing sanctions regulations;

(c) To review the existing temporary earthquake relief exemptions to provide assurances of non-liability to all humanitarian operators, without discrimination, for their activities in the country;

(d) To extend the timelines of those exemptions by taking into consideration the longer term humanitarian and development needs following natural disasters.

90. The Special Rapporteur urges the Government of the United States to lift the state of national emergency regarding the Syrian Arab Republic, being contrary to

article 4 of the International Covenant on Civil and Political Rights, and to bring national legislation into line with international law.

91. The Special Rapporteur reminds States of the illegality of extraterritorial application of unilateral sanctions and calls for the lifting of secondary sanctions and the revocation of criminal and civil charges against individuals and entities for alleged or apparent non-respect of unilateral sanctions.

92. The Special Rapporteur calls upon donors and financial institutions to refrain from obstructing or compromising the work of humanitarian actors, either through conditionality clauses or by delaying or refusing to process financial transactions on their behalf.

93. The Special Rapporteur urges businesses and financial institutions to operate in accordance with the Guiding Principles on Business and Human Rights, to cease overcompliance and excessive de-risking policies, in particular with regard to basic goods, humanitarian transactions and equipment and material for infrastructure maintenance and development. She recalls the obligations of States in that regard, to ensure that those entities under their control or jurisdiction do not violate human rights through their action or inaction.

94. The Special Rapporteur requests States to guarantee that the Government of the Syrian Arab Republic and its nationals and businesses have adequate access, on an equal basis, to justice and effective remedy in all countries, 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 bodies.

95. The Special Rapporteur calls upon the Government of the Syrian Arab Republic to take all appropriate measures, in terms of economic and social protection initiatives, for the benefit of all Syrians, with a particular focus on the most vulnerable, including through direct financial assistance.

96. The Special Rapporteur calls upon the Government of the Syrian Arab Republic to ensure that the available humanitarian assistance reaches all those in need.

97. The Special Rapporteur urges United Nations entities, other international organizations and international civil society actors to continue their engagement with States, businesses and financial institutions to facilitate procurement of basic goods, medicines and medical equipment, vaccines, spare parts and agricultural inputs, among others, and continue their support for the rehabilitation and reconstruction of infrastructure, such as hospitals, schools, power supply stations and water distribution and irrigation systems.

98. The Special Rapporteur requests all parties to ensure that non-governmental organizations, charities and associations based in the Syrian Arab Republic are always included in any discussion and assessment of the humanitarian situation in the country, the identification of the humanitarian needs of Syrian people and decision-making on humanitarian, early-recovery, capacity-building and reconstruction efforts.

99. The Special Rapporteur welcomes the engagement of the Government of the Syrian Arab Republic with the international human rights system, including the special procedures of the Human Rights Council, and calls upon United Nations agencies and programmes and human rights mechanisms, including special procedures, to pay due attention to the impact of unilateral coercive measures while examining the situation in the country.