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## International Economic Sanctions in the Aviation Sector and Their Impact on Constitutional Guarantees of Freedom of Movement

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**Abstract:** Amid the unprecedented expansion of international sanctions regimes since 2022 — affecting aviation in over 30 countries and creating direct tensions between geopolitical objectives and constitutional guarantees — this article examines the impact of international economic sanctions in the aviation sector on the realisation of the right to freedom of movement guaranteed by the Constitution of Azerbaijan and international legal instruments. The research addresses a critical gap in legal scholarship, in which sanctions have been studied predominantly from economic or security perspectives rather than from a human rights perspective. The study employs a doctrinal (regulatory and legal) methodology combining content analysis, discourse analysis, comparative legal analysis, and interpretative-analytical approaches. Secondary sources include six categories of legal instruments analysed across national and international dimensions: the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, European Convention on Human Rights, Chicago Convention, Constitution of Azerbaijan, and Air Code of Azerbaijan. Comparative jurisprudence draws on the ECHR and on the decisions of the Constitutional Court of Azerbaijan. The findings demonstrate that aviation sanctions significantly restrict freedom of movement through both direct mechanisms (airspace closures, air carrier blockades, visa barriers) and indirect mechanisms (price increases, route reductions, infrastructure degradation). Analysis of ten sanctioned jurisdictions reveals asymmetric impacts: the United States has imposed unilateral aviation sanctions in 15 cases, the United Nations in 12, and the European Union in 8, with humanitarian consequences disproportionately affecting civilian populations. Azerbaijan's national legal framework demonstrates structural deficiencies in monitoring constitutional compliance under foreign-policy pressure, particularly in proportionality assessment and humanitarian exemption mechanisms. The scientific novelty lies in the first systematic legal analysis of aviation sanctions through the lens of freedom of movement at both the national and international levels, with specific application to Azerbaijan's post-Soviet legal context. The study proposes a balanced legal framework based on four pillars: the principle of proportionality, humanitarian exceptions, legal

clarity and transparency, and diplomatic protection mechanisms. The conclusions advocate mandatory proportionality testing, judicial oversight of flight suspensions, and harmonisation of the implementation of sanctions with constitutional guarantees in emerging legal systems.

**Keywords:** Aviation sanctions, Freedom of movement, Human rights, Proportionality principle, international law.

## **Introduction**

The use of international economic sanctions has become a key instrument in international politics. Sanctions enable modern states and international organisations to influence the behaviour of other subjects of international law without resorting to armed force. At the same time, with the expansion of the scope of sanctions mechanisms, more and more questions arise regarding their legal status, effectiveness, and impact on fundamental human rights. These issues are particularly relevant in the field of aviation, a strategically important industry that not only facilitates economic ties between countries but also helps realise every person's fundamental right to freedom of movement. According to recent studies, the aviation sector is among the most sensitive to international sanctions. Restrictions on access to airspace, bans on the supply of aviation equipment, maintenance, or cooperation with international air carriers directly affect the ability of states and citizens to use air transport (Grimme et al., 2024). This, in turn, contributes to the emergence of a potential conflict between international policy requirements and constitutionally guaranteed rights, particularly the right to freedom of movement, which is recognised at both the national and international levels (Babashov, 2020). However, the interaction between sanctions policy and fundamental human rights becomes particularly important for countries such as Azerbaijan, which have complex geopolitical situations and are actively involved in international treaties. According to recent studies, Azerbaijan's aviation industry plays a crucial role in ensuring national security, promoting economic development, fostering regional integration, and enhancing foreign policy relations. The state is a party to several international agreements, including the 1944 Chicago Convention on International Civil Aviation, which establishes the legal framework for the operation of airspace and recognises the principles of freedom of air navigation. However, with the growing pressure of sanctions at the global level, a crucial question arises: can the restrictions imposed on the aviation sector due to sanctions be reconciled with the state's international obligations and national human rights guarantees? Therefore, the relevance of this article lies in the need to analyse the relationship between sanctions applied in the aviation sector and the fundamental human rights guaranteed by the Constitution of Azerbaijan and international treaties to which the state is a party.

## **Research Problem**

Despite the numerous studies devoted to the topic of international sanctions in general, relatively little attention has been paid to a narrowly focused analysis of their impact on the aviation industry. In addition, the direct impact of such sanctions on the exercise of citizens' constitutional rights, especially within the framework of the right to freedom of movement, has been analysed even less frequently in the scientific community. At the same time, recent practice demonstrates that sanctions in the aviation sector (e.g., restrictions on airspace use, aircraft supply, or flight bans for specific airlines) have far-reaching legal implications. This contributes to the formation of a legal vacuum in which there are no clear mechanisms for protecting citizens' rights when a state, such as Azerbaijan, is the subject of or a participant in sanctions processes.

On the other hand, the state can also act as an entity imposing sanctions on other countries or entities. In this way, it is responsible for complying with international human rights standards when implementing such policies. This creates a complex legal situation in which a balance must be found between the legitimacy of applying sanctions under international law and the state's obligation to ensure that the constitutional guarantees of its citizens are upheld.

## **Research Focus**

The key focus of the study is on analysing the relationship between international economic sanctions in the aviation sector and constitutionally guaranteed human rights. The author's approach is to seek a legal balance between the political expediency of imposing sanctions and the need to respect human rights, particularly in matters of freedom of movement. The study also aims to analyse the effectiveness of existing international legal mechanisms in preventing the abuse of sanctions, as well as to highlight the role of constitutional control in national legal systems regarding foreign policy sanctions. Thus, the scientific novelty of the study lies in the synthesis of under-researched aspects within a single work. It analyses the impact of international sanctions directly on the aviation sector, which has been considered mainly from the economic or security perspective, rather than from the human rights perspective. The novelty also lies in the systematisation of legal approaches to ensuring freedom of movement in the context of restrictive measures.

## **Research Aim and Research Questions**

The main objective of the study is to determine the impact of international economic sanctions in the aviation sector on the implementation of the constitutional right to freedom of movement, as well as to identify the permissible limits and mechanisms for the legal regulation of such sanctions by international and national law (using Azerbaijan as an example).

1. What international legal instruments regulate the right to freedom of movement and aviation activities?
2. To what extent do economic sanctions in the aviation sector restrict the exercise of the right to freedom of movement?
3. How do sanctions comply with Azerbaijan's constitutional norms and its international obligations?
4. What are the possible legal approaches to ensuring a balance between sanctions policy and human rights guarantees?

## **Literature Review**

International sanctions, aviation law, and human rights are crucial issues for scientific research that directly relate to the functioning of global legal practice, economic development vectors, and the protection of fundamental freedoms. The purpose of this review is to outline the state of development of this scientific topic and to review the leading scientific publications, regulatory sources, and legal practice in Azerbaijan.

The Chicago Convention was adopted in 1944 (Convention on International Civil Aviation - Doc 7300, 1944; Convention on International Civil Aviation. Doc 730019, 2006). It forms the basis of modern international aviation law, enshrining the principles of freedom of airspace. This document also regulates the functioning of civil aviation. In the context of the proposed study, the provisions of this document that strike a balance between the imposition of economic sanctions in some instances and the rights of airlines, as well as ensuring the protection of air traffic at the international level, are important (Convention on International Civil Aviation done at Chicago on the 7th day of December, 1944). On the other hand, Protocol No. 4 to the European Convention on Human Rights enshrined the human right to freedom of movement, which must also be protected even under conditions of significant restrictions (including economic sanctions) (Universal Declaration of Human Rights, 1948). At the same time, the existing case law of the European Court of Human Rights has demonstrated numerous cases where freedom of movement was restricted due to the imposition of sanctions. For example, there is the well-known case of *Nada v. Switzerland*, where sanctions were imposed on the victim, prohibiting him from moving within Switzerland. The ECHR recognised a violation of the right to freedom of movement due to the overly harsh actions of the Swiss side. Moreover, in international law, freedom of movement is enshrined, in particular, in Article 12 of the International Covenant on Civil and Political Rights (ICCPR)

(Petersmann, 2023). As international authors have stressed, restrictions on this freedom can only be considered permissible under the strict conditions of legality, necessity and proportionality. Within the European Court of Human Rights (ECHR), a key reference point is the case law in *Baumann v. France*, in which the Court stressed that a travel ban must have a clear legal basis and be temporary. Other authors have also pointed to the tension between state sanctions and fundamental rights protected by international law (Jazairy, 2019).

At the same time, Article 28 of the Constitution of the Republic of Azerbaijan guarantees freedom of movement, specifically the right to free movement and entry (Constitution of the Republic of Azerbaijan, 1995). In several decisions of the Constitutional Court of Azerbaijan, in particular in case No. As of P/4-18-2020, the Court confirmed that this right is fundamental and may be restricted only in cases of extreme necessity and in the interests of national security, as outlined in the Constitution of the Republic of Azerbaijan (1995). However, in a decision dated June 17, 2021, the Court recognised that administrative restrictions on the departure of persons with tax debts may violate the principle of proportionality if they do not take into account individual circumstances. Hence, the decisions of the Constitutional Court of Azerbaijan adapt international law to the internal needs of the state, emphasising the importance of balancing economic sanctions and human rights, without denying the importance of sanctions. Scholars have noted a gradual shift in Azerbaijani practice towards strengthening judicial control over restrictions on the right to movement. At the same time, the authors have demonstrated that the decisions of Azerbaijan's appellate and administrative courts often have a broad interpretation of the “necessity” of restricting the right to movement, particularly in cases involving debtors or suspects in criminal proceedings (Aghayev, 2023; Akbarli et al., 2022).

Scientists have actively researched this issue, emphasising the problem of the effectiveness of economic sanctions as a tool of international pressure, including on the development of the aviation industry. Peksen (2019) conducted a critical review of other scientific works presenting the effectiveness of sanctions, emphasising that effectiveness and impact depend primarily on the political regime, the type of sanctions imposed, and the position of international partners. Jazairy (2019) and Bogdanova (2021) drew attention to the existing contradictions between the use of sanctions and the norms of international law, particularly in the context of unilateral sanctions and the violation of fundamental human rights. Petersmann (2023) highlighted the existing regulatory uncertainty and the failure of transnational governance, noting the legitimacy issues associated with sanctions that do not promote economic freedoms. The context of international sanctions is particularly relevant given Russia's aggression against Ukraine and the aviation sanctions imposed on Russia. For example, in the context of sanctions imposed on Russia, Aghayev (2023) identified their consequences for Azerbaijan. The researcher highlighted the economic challenges associated with energy dependence and regional trade flows. Deniz & Heyderov (2024) contributed to this discourse by highlighting the impact of the energy factor: fluctuations in global oil prices, which influenced the development of Azerbaijan's economy and significantly deepened the theoretical understanding of the indirect effects of the sanctions regime.

The researchers also determined that the aviation sector is quite sensitive to sanctions pressure. This was demonstrated by Akbarli et al. (2022), who highlighted the negative effects of Russian aggression against Ukraine between February and May 2022, including a decrease in passenger traffic, increased costs, and disruption of logistics chains. Caprian et al. (2023) investigated the crisis in the work of insurance companies in conditions of economic instability. Ben-Saed & Pilbeam (2022) examined the issue of security in the context of sanctions and cultural restrictions, also emphasising changes in the role of security for aircraft maintenance.

The issues of freedom of movement and constitutional guarantees for its preservation, as well as the role of international law in this process, were examined in detail by Dias Simões (2021) and Zolka et al. (2021). Both studies note that the introduction of extraordinary circumstances (sanctions,

sanitary, political, or security) may justify temporary restrictions, but at the same time pose a threat to fundamental human rights. Juvan et al. (2020) analysed existing dilemmas in civil aviation security measures, demonstrating how measures aimed at improving security can conflict with citizens' rights. Doan & Tran (2023) impademonstrated how economic sanctions affect trade in cultural goods, thereby addressing broader issues of freedom of cultural exchange and mobility. This aspect is important when assessing the impact of sanctions on the movement not only of goods, but also of ideas, people, and services related to the cultural sphere and education. Zayukov et al. (2024) demonstrated the performance of state-owned enterprises (including in the aviation sector) and their impact on capital management efficiency. This is particularly important in the context of pressure sanctions, when state-owned companies are compelled to adopt new models of management and adapt to the changing economic situation.

A review of the literature enabled the identification of the primary scientific approaches to the issue of international economic sanctions in the aviation industry. At the same time, there are also some gaps in the research. In particular, the legal aspect of the impact and imposition of sanctions on regional aviation markets, threats to freedom of movement, and legal restrictions have been studied little. The analysis of this issue contains significant elements of scientific novelty that require further consideration.

## **Materials and Methods**

The study is based on regulatory, comparative, and doctrinal analysis. This approach enabled a detailed examination oof the impact of international economic sanctions in the aviation sector's constitutional guarantees of freedom of movement. The main methodological approach chosen is doctrinal (regulatory and legal) analysis using comparative legal and interpretative methods. The choice of this type of research is due to the specificity of the topic: international sanctions and constitutional rights are subject to legal regulation, so their study requires a critical analysis of legal sources. At the same time, the doctrinal approach enables the clear definition of legal norms theand law analysis of their practical implementation in a specific legal field. Comparative analysis enables the examination of different models of regulation and sanction application practices within the modern human rights system in other countries. Hence, this article employs qualitative methodology to investigate the impact of economic coercion on the civil aviation industry, with the implications of sanctions for domestic freedom of movement serving as a case study. Such a research topic is well-suited to a qualitative design, as it enables a thorough investigation of the legal, political, and socio-economic context of sanctions and their effects on fundamental rights.

### ***Source of data***

To conduct the study, a theoretical sample was formed from regulatory and legal sources, court decisions, international documents and scientific literature. Thus, the research is based solely on secondary sources of data, as they offer a wide-ranging basis for examining the legal and policy aspects. The study provides for the inclusion, processing and analysis of various types of sources. Separate inclusion criteria were formed for the inclusion of sources:

1. Relevance to the topic of freedom of movement and aviation activities.
2. Time range (from 2019). This range applies exclusively to scientific literature; it does not apply to fundamental legislative acts.
3. Materials must have a clear connection with sanctions policy.
4. Determination of legal significance in the national or international sense.
5. Publication of sources in verified legislative bases or peer-reviewed journals.

Accordingly, the study involved several regulatory and legal acts that were subjected to further analysis.

**Table 1***List of regulatory acts for analysis*

<b>Nº</b>	<b>Document name</b>	<b>Key articles/norms for analysis</b>	<b>Level of regulation</b>
<b>1</b>	Constitution of Azerbaijan	Art. 28 (right to freedom of movement), Art. 12 (human rights)	National
<b>2</b>	Air Code of Azerbaijan	Art. 3, 6, 7, 35 (access to airspace)	National
<b>3</b>	Chicago Convention (1944)	Art. 1, 5, 6, 9, 89 (state sovereignty, limitations and exceptions)	International
<b>4</b>	Universal Declaration of Human Rights	Art. 13 (right to freedom of movement)	International
<b>5</b>	International Covenant on Civil and Political Rights	Art. 12 (freedom of movement), Art. 4 (derogation from obligations in a state of emergency)	International
<b>6</b>	Case law of the ECHR	"Timiş v. Romania", "Nada v. Switzerland", "Zorica Jovanovic v. Serbia"	Case law

*Source:* Author's development.

Such sources comprise treaties, conventions, and UN resolutions that regulate wide-ranging and drastic measures of economic sanctions, including those concerning the aviation sector. In addition, national constitutions, legislative codes, and judicial case law are considered to evaluate how the right to freedom of movement, under the impact of external economic coercion, is pursued by various legal systems. Academic literature, through books, journal articles, and policy reports, also offers theoretical and empirical perspectives on the broader implications of sanctions for global mobility. In addition, international organisations such as the International Civil Aviation Organisation (ICAO), the International Air Transport Association (IATA), and various United Nations organisations report data necessary for understanding the realities of sanctions and their impact on civil aviation. Government releases and policy papers are also analysed to assess how states have responded to aviation prohibitions and whether their responses were consistent with constitutional imperatives. The choice of these sources is due to the need for comprehensive coverage of regulatory approaches at the international and national levels, as well as the desire to explore the interdisciplinary context of the topic.

### ***Data analysis methods***

The desk research method was used to collect information. Document analysis, focused on the textual content of legal, political, and scientific materials, was used as the main tool. This approach enabled the identification of conceptual contradictions, normative conflicts, and systemic approaches to the implementation or restriction of the right to freedom of movement. At the same time, the primary method of analysis is content analysis, which informs the systematic study of the texts' content to identify recurring themes, legal arguments, and political positions related to sanctions policy and human rights. In particular, the study focuses on three analytical areas:

- Legal definitions of freedom of movement in jurisdictions;
- Analysis of the practices of states that have become the object of aviation sanctions;
- A comparative study of the impact of international sanctions on constitutional rights in national legal systems.

Additionally, academic criticism is taken into account, which has enabled the identification of trends in the relationship between state security interests and human rights. Content analysis also uncovered imbalances between international legal obligations and constitutional standards, particularly in cases where sanctions result in disproportionate restrictions on freedom of movement.

In addition to content analysis, discourse analysis was also used to analyse the main narratives that dominate the political and legal rhetoric regarding sanctions and how assumptions about the admissibility of restrictions on constitutional rights are formulated. Discourse analysis revealed that in different jurisdictions, the legal justification for sanctions is often based on different value priorities: in some countries, on the primacy of national sovereignty, while in others, on the universalism of human rights.

The study also incorporated elements of comparative law analysis, which enabled the identification of differences and common features in the interpretation of freedom of movement across various legal systems. Specifically, the constitutional provisions, judicial practices, and government responses in states subject to aviation sanctions were compared with those in countries where such restrictions did not exist.

Finally, an interpretive-analytical approach was employed, which involved analysing legal and political processes through the lens of the general principles of the rule of law, proportionality, and legal certainty. This approach offered an opportunity to evaluate not only the formal logic of legal norms but also their practical significance within the context of real restrictions on citizens' rights.

### ***Analytical framework of the study***

To ensure methodological transparency, the methods (content analysis, discourse analysis, comparative method) were integrated into a coherent analytical framework. This framework enabled a systematic examination of the legal, political, and ethical interactions between sanctions policy and the right to freedom of movement.

The analytical framework of the study consisted of the following concepts:

1. Freedom of movement as a constitutional and international right - the study is based on the general principles of international human rights law (Article 12 of the International Covenant on Civil and Political Rights (ICCPR) and the corresponding provisions of individual countries' constitutions).
2. Sanctions as a form of economic coercion. They are described as an instrument of international policy that has legal and moral limitations
3. The principle of proportionality and the rule of law.

Based on this framework, three thematic focuses were identified, which served as the main guidelines for the analysis:

1. Legal definition of freedom of movement in different jurisdictions and international treaties;
2. Practices of restricting mobility through sanctions in the aviation sector;
3. Comparative analysis of national practices.

## **Results**

Freedom of movement is one of the fundamental human rights enshrined in international law, as well as in national constitutions and other legal acts. This right is particularly important in the aviation sector, as aviation provides fast and efficient means of transporting people across national borders. However, given the application of international economic sanctions, which often include restrictions on airspace, complex legal issues arise regarding the compatibility of such restrictions with guarantees of freedom of movement.

Freedom of movement implies the right to leave any country, including one's own, and to return to it. This right is enshrined in several key international legal documents. In particular, the 1948 Universal Declaration of Human Rights (UDHR) (Article 13) states that everyone has the right to freedom of movement and residence within the borders of each state, as well as the right to leave any country, including their own, and to return to it (*Universal Declaration of Human Rights*, 1948). The 1966

International Covenant on Civil and Political Rights (ICCPR) (Article 12) confirmed this right in detail. It provided for the possibility of restricting freedom of movement solely based on law, to ensure national security, public order, health, morals, or the protection of the rights and freedoms of others. These documents influence the formation of the modern international legal framework, which provides for the guarantee of the right to freedom of movement. At the same time, international aviation law is a particularly important element in regulating freedom of movement.

This system outlines the procedures for using airspace and conducting international air transport. The 1944 Chicago Convention serves as the basis for regulating international airspace. Article 1 stipulates that each contracting state has complete and exclusive sovereignty over the airspace above its territory. Articles 5 and 6 of the Convention regulate the basic conditions for the admission of foreign aircraft into airspace and the rules of transit (Convention on International Civil Aviation, done at Chicago, 1944). However, nation-states have the right to impose restrictions to ensure national security. Such conditions may be a valid basis for sanctions. At the same time, the Republic of Azerbaijan, as a party to several international agreements, has national legislation that also affects the regulation of the right to freedom of movement and use of airspace. Article 28 of the Constitution of the Republic of Azerbaijan guarantees every citizen the right to move freely within the country, choose their place of residence, leave the country, and return to it. At the same time, this fundamental document also allows for restrictions on these rights if provided for by law and necessary to protect national security or public order. Separately, Azerbaijan's Air Code has also influenced the regulation of airspace use and aviation activities (Azerbaijan: Law No. 813 of 1994 about exit from the country, entry into the country, and about passports | Refworld, 1994). The Air Code establishes separate procedures for the admission of air carriers and the operation of international flights. Overall, the modern Azerbaijani legal system has incorporated international standards of freedom of movement, while retaining the right to regulate these issues by its security policy. Table 2 presents the key international and national legal acts regulating aviation activities and freedom of movement.

**Table 2**

*Main international and national legal acts regulating freedom of movement and aviation activities*

Document name	Document type	Key provisions	Importance for freedom of movement
<b>Constitution of Azerbaijan</b>	National law	Art. 28: Right to freedom of movement	Constitutional guarantee of freedom of movement
<b>Air Code of Azerbaijan</b>	National law	Regulates the use of airspace	Sets rules for air travel
<b>Universal Declaration of Human Rights (1948)</b>	International document	Art. 13: Freedom of movement	A fundamental international human rights standard
<b>International Covenant on Civil and Political Rights (1966)</b>	International treaty	Art. 12: Right to freedom of movement	Legally obliges states to protect this right
<b>Chicago Convention (1944)</b>	International agreement	Sovereignty of States over airspace	Regulates the use of airspace, aviation
<b>Judgments of the European Court of Human Rights (e.g. Timiș v. Romania)</b>	Court decision	Protection of the right to freedom of movement	Case law on restrictions on movement

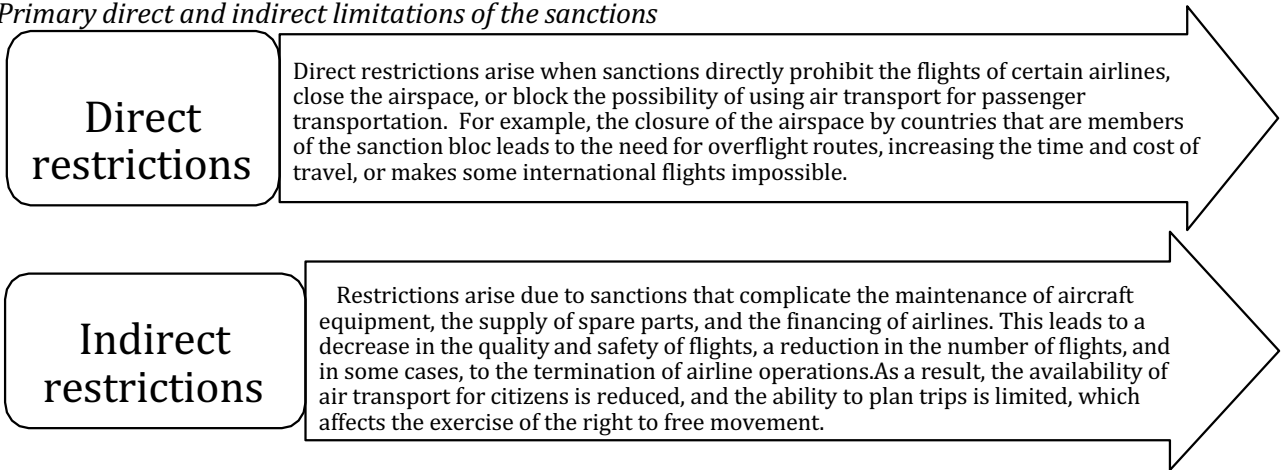
*Source:* Author’s development

However, recent events in international politics have demonstrated that the application of economic sanctions, particularly in the aviation sector, can impose direct or indirect limitations on the exercise of the right to freedom of movement. Accordingly, sanctions imposed on the aviation sector can have a significant impact on the exercise of this right, as they restrict citizens' ability to move both within and outside the country (Pagallo & Bassi, 2020). Modern sanctions may include such aspects as a ban

on flights by airlines of a particular state or a ban on the use of airspace, restrictions on the import and export of aviation equipment, spare parts, and maintenance services; freezing of assets and blocking of financial transactions of aviation companies; restrictions on training, certification, and training of personnel in the aviation industry (Khairuddin et al., 2023). Although these measures are intended to influence the country receiving the sanctions, in many cases, they significantly restrict the freedom of movement of citizens. Figure 2 illustrates the primary direct and indirect limitations of the sanctions policy.

**Figure 2**

*Primary direct and indirect limitations of the sanctions*



Source: Author’s development

After 2014, many European Union countries closed their airspace to Russian airlines in response to the annexation of Crimea and other actions by the Russian Federation. This limited the ability of Russian citizens to take direct international flights, resulting in longer routes, higher ticket prices, and fewer flights. Such restrictions affect freedom of movement. At the same time, US sanctions against Iran include a ban on the supply of aviation equipment and maintenance of Iranian airlines’ aircraft. As a result, Iranian airlines are forced to operate old aircraft without adequate support, which leads to reduced flight safety and the cancellation of international routes. For citizens, this means not only restricted access to international transport but also increased risks in domestic travel (Welfens, 2022). The blocking of spare parts and technical support leads to aircraft downtime, a reduction in the fleet, and, consequently, a decrease in the number of flights (Dupont, 2019). This creates additional barriers to the exercise of freedom of movement. For example, in Iran, many aircraft have been taken out of service due to a lack of necessary parts, which complicates the regularity of air service. Table 3 lists the main countries under sanctions in the aviation sector.

**Table 3**

*Countries under sanctions in the aviation sector*

No	Country	Main reasons for sanctions	Aviation sanctions	Consequences for freedom of movement	Main sanctioning parties
1	Russia	War in Ukraine (2022-...)	Flight ban, airspace closure, parts restrictions	Restrictions on international travel by citizens and airlines	EU, US, UK, Canada, Japan
2	Iran	Nuclear program, human rights violations	Ban on aircraft and parts purchases, isolation from global carriers	Difficulties with international travel, restrictions on international flights	US (hard), partly EU

3	North Korea	Nuclear tests, authoritarianism	Complete international air traffic ban	Virtually complete isolation from the world by air	UN, US, EU
4	Belarus	Repression, participation in the Russian war against Ukraine	Ban on entry into EU airspace, ban on Belarusian airlines	Difficulties with international travel, reduction in the number of flights, blocking of routes	EU, US, UK
5	Syria	Civil war, Assad regime	Limitations on flights of Syrian airlines, aircraft supply ban	Inability to operate most international flights	EU, US, League of Arab States
6	Venezuela	Political crisis, corruption	Suspension of air traffic with the US, restrictions at international hubs	Difficulties with departure of citizens, reduction in international mobility	US, partly EU
7	Cuba	Political isolation, communist regime	Partial embargo on aviation contacts with the US	Restrictions on departure of Cuban citizens to the US	US
8	Afghanistan	Taliban regime, women's rights	Suspension of international flights, restrictions on access to civil aviation	Almost complete isolation by air, departure from the country is very difficult	US, UN, EU
9	Myanmar	Military coup	Sanctions against state-owned airline, restrictions on the sale of aircraft	Reduced access to air travel, especially to Europe	EU, US
10	Zimbabwe	Political repression	No direct aviation sanctions, but personal restrictions apply	Restrictions on entry/exit for individuals, problems with international cooperation	US, EU

Source: Author's development

As can be seen from this table, in most cases, aviation sanctions include such aspects as: 1. a ban on flights to/from a particular country; 2. denial of access to airspace; 3. disconnection from booking and insurance systems; 4. a ban on the export of aircraft and technology. Such actions directly affect the freedom of movement of both citizens of the country and foreigners who wish to enter/leave it.

The legislative norms of many countries, particularly the Constitution of Azerbaijan, guarantee the right to freedom of movement. At the same time, international law permits restrictions on this right in cases specified by law, which are necessary in a democratic society to ensure national security, public order, or the protection of the rights of others. Hence, a key implication is that the data underscores a global "rights gap" in sanction implementation. Moreover, the Constitutional Court of Azerbaijan, in its practice (e.g., decisions of 2020 and 2021), recognises the importance of the right to freedom of movement, but often justifies its restrictions in the interests of fiscal stability, state security, and law and order. Despite a declarative commitment to the principle of proportionality, a formal approach often prevails in practice. In the Russian Federation, freedom of movement is enshrined in the Article. 27 of the Constitution of the Russian Federation, but its implementation is significantly limited by legislative exceptions. For example, Federal Law No. 114-FZ established an expanded list of grounds for travel restrictions. The decisions of the Constitutional Court of the Russian Federation have effectively legitimised automatic travel bans without individual analysis. Ukraine also guarantees freedom of movement in Art. Article 33 of the Constitution of Ukraine is often invoked within the framework of legal protection during martial law.

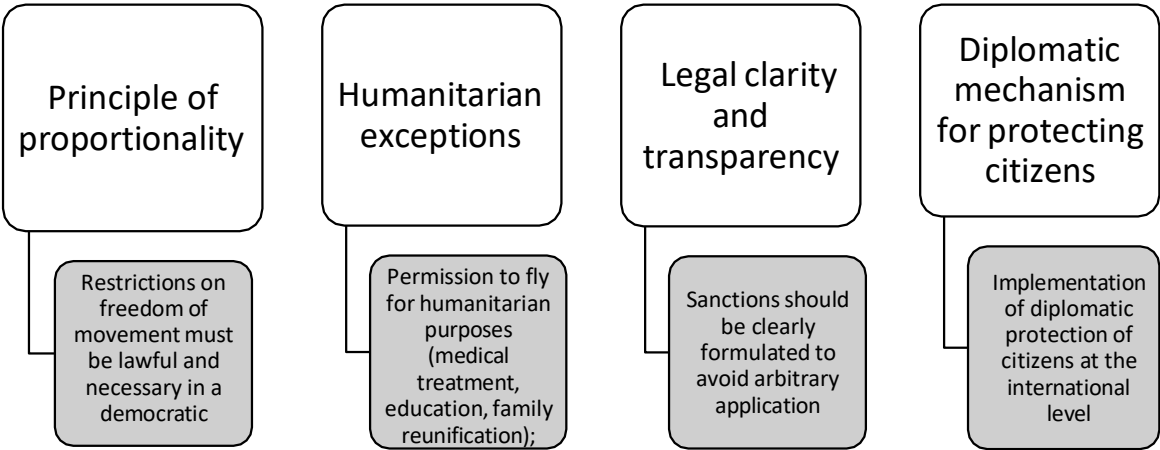
While the EU incorporates human rights examination, Azerbaijan's approach risks contravening ECHR Article 13 (right to an effective remedy). A reformed judicial framework – embracing tests for necessity and least restrictive alternatives— could balance sanctions with constitutional guarantees. Meanwhile, new frameworks for assessing the legitimacy and proportionality of sanctions are provided by the growing role of regional human rights systems, including the European Court of Human Rights (ECHR), the Inter-American Court of Human Rights, and new mechanisms of the Organisation of Islamic Cooperation (OIC). The growing importance of interregional discussions and soft law instruments (such as the Arab Charter on Human Rights or the OIC Cairo Declaration) can provide interpretations to bring domestic practice into line with more general human rights standards, even if Azerbaijan is not a member of the EU or Council of Europe institutions with full jurisdiction. When national courts rely on executive decisions without conducting proportionality assessments based on human rights, these methods may be especially pertinent to addressing the gap in mobility rights highlighted by aviation sanctions.

Accordingly, restrictions on freedom of movement must comply with the principle of proportionality, i.e., they must be necessary and not exceed the limits necessary to achieve a legitimate goal. Sanctions that are imposed without proper legal justification or that last for an unreasonably long time violate these principles and may therefore be considered illegitimate under international law. Consequently, the application or impact of international economic sanctions, particularly in the aviation sector, creates several legal conflicts that require separate studies. Considering the case of Azerbaijan, Article 28 of the Constitution of the Republic of Azerbaijan guarantees everyone the right to freedom of movement, choice of residence, departure from the country, and return to it (Azerbaijan: Law No. 813 of 1994 about exit from the country, entry into the country, and about passports | Refworld, 1994). At the same time, Article 12 proclaims the supreme legal force of human rights and freedoms, which the state is obliged to guarantee. International obligations of countries include membership in the UN, OSCE, and the Council of Europe (*Subsidiary organs of the United Nations Security Council*, 2023), as well as ratification of the Chicago Convention agreement and the International Covenant on Civil and Political Rights (Farzanegan & Batmanghelidj, 2023). In this legal context, the state is not only obliged to refrain from restricting the right to freedom of movement, but also to actively ensure its implementation. However, there is also a noticeable legal conflict, since international economic sanctions, even if imposed by other states or international organisations, may affect Azerbaijani citizens or national air transport. For example, this could happen if the airspace over the sanctioned territory is closed, which would increase the time and cost of routes. There could also be a noticeable ban on flights by Azerbaijani companies to certain areas, which would affect restrictions on economic activity and the movement of citizens (Lysenko et al., 2024). Therefore, Azerbaijan, by its Constitution and international obligations, must seek a balance between sanctions policy (of an external nature) and its obligation to ensure the realisation of human rights (Seyfi & Hall, 2019). At the same time, it is important to establish legislative guarantees that temporary external sanctions should not have a long-term or discriminatory impact on ordinary citizens (Rastorhuiev et al., 2021).

Thus, striking a balance between sanctions policy (which often serves the goals of international security or the protection of human rights in other states) and national obligations to guarantee the rights of its citizens is a difficult task. However, there are legal approaches that can reduce the negative impact of sanctions on freedom of movement. Figure 3 shows the main legal approaches that should be considered.

**Figure 3**

*The main legal approaches that should be considered*



*Source:* Author’s development

As shown in Figure 3, it is essential to adhere to the principle of proportionality. Restrictions on rights, including freedom of movement, must be legally justified and necessary in a democratic society. Humanitarian exceptions should also be considered in the future. The legal doctrine should provide for the possibility of including humanitarian exceptions in sanctions regimes, for example, permitting flights for humanitarian purposes (such as medical treatment, education, or family reunification). In such cases, it is also important to maintain a minimum number of international routes for citizens who are not directly affected by the political situation. Sanctions should also be formulated to avoid arbitrary application (Seyfi & Hall, 2018). To this end, the legal grounds for applying restrictions should be publicly published, and explanations should be provided regarding the impact of sanctions on the specifics of movement. The diplomatic mechanism for protecting citizens should also be considered more (Safarli et al., 2024). In particular, the state can, through its consulates and embassies, protect the right to movement of its citizens and apply to international courts in the event of unlawful restrictions on the movement of Azerbaijani citizens due to sanctions. Such approaches can be integrated into both national practice and used in diplomatic negotiations in the international arena.

**Discussion**

The central issue of this study was to determine the impact of international economic sanctions on the aviation sector's implementation of the constitutional right to freedom of movement for citizens, particularly through the examination of international practices and specific documents from Azerbaijan. Accordingly, the study identified the limits of the lawful impact of such sanctions, their compliance with international human rights standards. It proposed legal mechanisms that allow for maintaining a balance between the goals of the sanctions and fundamental rights. The first research question concerned the identification of the main legal documents that provide for the right to freedom of movement. As it was established, the right to freedom of movement is protected by several international treaties: the Universal Declaration of Human Rights (Article 13), the International Covenant on Civil and Political Rights (Article 12), as well as regional documents such as the European Convention on Human Rights (Article 2 of Protocol No. 4, 1963). Within the aviation

system, the main document is the Chicago Convention (1944). This document outlines the basic principles of civil aviation, including non-discriminatory access to airspace, flight safety, and international coordination. The research findings confirm the conclusions of previous works, which suggest that international aviation law serves as the basis for national mobility policies. The results also align with other studies that indicate international restrictions, in the form of sanctions, often conflict with the norms of freedom of movement guaranteed by the UN and other institutions (Rojas García, 2020; Rajput, 2021). Therefore, it is worth agreeing with scholars who point out that international norms guarantee the right to movement. Yet, they can create exceptions in the form of sanctions, which gives rise to a normative paradox. Moreover, modern research suggests that the US has been the most aggressive in implementing aviation sanctions, followed by the UN and the EU. This is part of a broader trend of aviation restrictions being used for geopolitical purposes. The UN's 12 cases, for example, almost all focus on conflict and conflict-prone regions (e.g., Libya, North Korea), underscoring the collective security dimension of Chapter VII of the UN Charter. The EU's 8 cases often correspond to abuses of human rights (e.g., Belarus's downing of Ryanair Flight 4978). The US's higher number (15 cases) includes unilateral measures, such as those against Iran and Venezuela, which demonstrate extraterritorial enforcement. The difference between these cases reflects a struggle for primacy between multilateralism and unilateralism in foreign and international law. Although UN sanctions are based on the Charter, unilateral sanctions may undermine the principle of sovereignty enshrined in Article 2(4) of the Charter. There are also humanitarian implications, as aviation sanctions primarily affect civilians, resulting in travel restrictions for health and family reasons. Given the importance of air corridors for Azerbaijan's trade and the fact that sanctions of this type may conflict with constitutional rights (such as freedom of movement) and bilateral air services agreements, this may be problematic. Azerbaijan could mitigate the negative effects of aviation sanctions while still complying with its international obligations by introducing legislative safeguards, such as mandatory humanitarian exemptions or judicial oversight of flight suspensions. For example, to ensure that access to emergency medical care or family reunification is not arbitrarily denied, any suspension of flights to the EU may be subject to a proportionality test.

The second research question concerned determining the impact of sanctions on the realisation of freedom of movement. Accordingly, the research results showed that economic sanctions in the aviation sector restrict the realisation of the right to movement both directly and indirectly. Direct restrictions involve specific flight bans, refusal of aircraft maintenance, and blocking access to airspace. At the same time, indirect effects include increased ticket prices, the absence of routes, and a loss of economic competitiveness for airlines. For example, the closure of airspace over Europe for airlines had a significant impact on the civilian population. Such actions, although not formally aimed at restricting human rights, lead to the actual limitation of movement for certain groups of the population. In the works of other authors, it is also emphasised that aviation sanctions often do not pass the proportionality test within the framework of modern international humanitarian law. The authors indicated that such sanctions should consider exceptions for humanitarian purposes, medical trips, and education (Mazur et al., 2023). Thus, the research findings are also consistent with the literature and confirm that sanctions that do not consider the differentiation between goals and consequences can have unacceptable impacts on basic rights (Penkov & Chabanenko, 2019).

The next research question concerned the consistency of the sanctions with the Constitution of Azerbaijan and international obligations. Accordingly, it is stated that the Constitution of Azerbaijan (Article 28) directly guarantees freedom of movement, including the right to freely leave and enter the country. Additionally, international agreements to which Azerbaijan is a party take precedence in the event of a conflict with national legislation (Article 148 of the Constitution). Considering the analysis of post-Soviet countries, it is indicated that Azerbaijan, Russia and Kazakhstan demonstrate similar authoritarian tendencies - an expanded interpretation of restrictions on freedom of movement, justified by "public interest", but often without proper control of proportionality. Ukraine and Georgia are

gradually implementing European standards of human rights protection, based on the development of constitutional jurisdiction. In all jurisdictions, sanctions (in particular, in the aviation sector) create indirect pressure on freedom of movement, which requires a balanced constitutional assessment. Hence, however, the research revealed that Azerbaijan is not the direct initiator of the sanctions but is forced to adapt to the international regime. For example, in the case of EU or US sanctions, Azerbaijan must take these restrictions into account in its foreign policy and aviation planning (Rotimi, 2021). In the literature of other authors, it is also noted that post-Soviet states often find themselves in a position of interstate pressure, where the political environment complicates adherence to constitutional norms. This confirms the conclusions of other scholars, who have indicated that Azerbaijan's legal position requires flexibility, based on transparent and legitimate decision-making procedures regarding sanctions, to avoid violating its constitutional doctrine (Aghayev, 2023; De Bellis, 2021). However, there are significant challenges in putting such balancing mechanisms into practice. First, it is challenging to establish international humanitarian exceptions due to the geopolitical dispersion of sanctions policy, particularly in the case of unilateral US sanctions. Second, as the case of Azerbaijan has demonstrated, the legal systems of sanctioned nations often lack the institutional capacity or independence to ensure an effective examination of restrictions from a human rights perspective. Third, it is challenging to establish precise standards for what qualifies as “vital mobility” in practice without being influenced by politics. The suggested reforms run the risk of staying merely pronouncements in the absence of independent scrutiny and clear cooperation mechanisms between sanctioning and sanctioned states.

The last research question concerned identifying the main legal approaches to ensuring a balance between sanctions and human rights. Accordingly, the research identified several potential directions for harmonising sanctions policy with human rights. It is indicated that the principle of proportionality should be adhered to, according to which any restriction must be minimally necessary and adequate to the intended purpose. It is also emphasised that the introduction of humanitarian exceptions is a priority direction (Elliott, 2024; Kampourakis, 2021). Ultimately, it is necessary to enhance constitutional and administrative oversight of human rights compliance in the context of sanctions. The approaches mentioned have also been reflected in contemporary literature. In particular, the authors also pointed out that contemporary challenges highlight the importance of flexible and human rights-oriented models of sanctions. In this context, the practice of the European Court of Human Rights (ECHR) appears valuable, particularly the case “Baumgartner v. Switzerland,” where the Court emphasised the inadmissibility of collective punishment or excessive restrictions on freedom of movement, even in the context of sanctions or a state of emergency. Thus, the research results indicated and confirmed the relevance and complexity of the topic. There is a real legal tension between the task of international security (through sanctions) and the necessity of upholding fundamental rights, particularly the right to freedom of movement (Himes, 2025). Within Azerbaijan, maintaining a balance between international solidarity and national obligations will play a special role. The research also has certain limitations. In particular, the work is mostly based on a doctrinal (normative-legal) approach and content analysis of official sources, international treaties, court decisions, and legislation. At the same time, quantitative methods (for example, sociological surveys of passengers or aviation operators) were not employed, which could have provided a more comprehensive picture of the impact of sanctions on the right to movement in everyday life. In addition, the analysis of ECtHR decisions was presented selectively. This was primarily due to limited access to localised cases concerning Azerbaijan. Judicial practice at the national level regarding the application of sanctions in the aviation sector is also virtually non-existent. These directions also indicate that further research should focus on practical mechanisms for controlling and reviewing sanctions, as well as developing clear criteria for their legality within the legal system of Azerbaijan and other countries with similar legal traditions.

## **Conclusions**

Thus, the research demonstrates that international law affirms freedom of movement as a fundamental human right through several universal and regional instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights. At the same time, aviation activities are regulated by separate documents. In this sense, the Chicago Convention is important, as it establishes rules for civil aviation, including principles of non-discrimination and access to airspace.

It has been determined that economic sanctions, particularly in the aviation sector, significantly restrict the realisation of freedom of movement both directly (through flight bans, maintenance restrictions, airspace closures) and indirectly (through price increases, reduced service quality, and fewer available routes). They particularly negatively affect the civilian population, which is not the target of the sanctions, and may contradict the principle of proportionality. Therefore, sanctions have not only an economic but also a humanitarian dimension, which requires careful legal analysis. It is stated that the Constitution of Azerbaijan guarantees the right to freedom of movement, as well as the priority of international law over national law in cases of conflict between norms. However, under conditions of external pressure and the necessity to adapt to the international sanctions regime, the state effectively restricts this right, even if it is not the initiator of such sanctions. Thus, it is evident that a legal conflict exists, necessitating transparent procedures for implementing sanctions and a thorough legal assessment of their compliance with constitutional norms.

To achieve a balance between sanctions policy and the protection of human rights, it is advisable to apply the principle of proportionality, establish mechanisms for humanitarian exceptions, implement legislative guarantees, and ensure judicial and administrative oversight. The article states that these approaches should be reflected in national legislation, law enforcement practices, and judicial procedures.

## ***Suggestions for Further Research***

Considering the results of this study, which have highlighted the complexity of the legal balance between international sanctions policy and the protection of the fundamental right to freedom of movement, several aspects have opened new directions for further scientific work. First, it is advisable to investigate the effectiveness of legal protection mechanisms available to citizens who have faced movement restrictions due to sanctions. Significant attention should be paid to analysing the possibility of appealing to national courts, constitutional bodies, as well as international human rights institutions. This will demonstrate the prevalence of this practice and its impact. The next quite promising direction is the critical study of the role of private actors. One can analyse the role of airlines, technical suppliers, and travel platforms in the implementation of sanctions and their impact on consumer rights. In the modern world, such entities are increasingly influential in shaping the actual scope of freedom of movement.

It is also necessary to separately study specific legal models of sanction regulation that take human rights into account as a key guideline. This area is also quite relevant, considering the results obtained. In particular, the formation of domestic regulatory legal acts that enable the provision of proportional and transparent sanction mechanisms requires a detailed interdisciplinary analysis. This should be done with the involvement of the following aspects: legal, political, and economic.

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