

Targeted Human Rights and Anti-Corruption Sanctions – A General Overview

Part 1 in HRF’s Guide to US Targeted Sanctions for Combatting Human Rights Abuses and Corruption

Introduction to US Targeted Sanctions

- **The United States government (USG) maintains several targeted sanctions programs to create accountability for human rights abusers and corrupt officials across the globe.** Among the most widely used are Global Magnitsky sanctions (for more information, see Part 2 of this series), 7031(c) visa sanctions (for more information, see Part 3 of this series), and country-specific programs with relevant human rights and anti-corruption prongs (for more information, see Parts 4-20 of this series).
- **Purpose of targeted sanctions:** Targeted sanctions aim to encourage behavior modification, limit the impunity of perpetrators, deter covered crimes, and achieve diplomatic goals as part of a larger strategy. They can:
 - ✓ Name and shame
 - ✓ Alter a perpetrator’s calculus and impact behavior
 - ✓ Isolate a perpetrator from other government and non-government actors
 - ✓ Signal international expectations
 - ✓ Induce economic shortfalls to reduce repressive capacity
- **The Global Magnitsky Act & Executive Order (EO) 13818**
 - Passed in December 2016, the [Global Magnitsky Human Rights Accountability Act \(GMA\)](#) is the most comprehensive targeted human rights and anti-corruption sanctions law in US history. In December 2017, the USG issued [EO 13818](#), which simultaneously [implemented the GMA and expanded its scope](#), creating the Global Magnitsky sanctions program.
 - EO 13818 gives discretionary authority to the Secretaries of Treasury and State to **block or revoke US visas** and to **block (freeze) all US-based property and interests in property of foreign persons** (both individuals and entities) who have engaged in:
 - a) “**serious human rights abuse**” (SHRA)
 - b) “**acts of corruption**,” including the transfer or the facilitation of the transfer of the proceeds of corruption.
 - **The USG is required by law to involve NGOs in Global Magnitsky sanctions implementation.** In determining whether to impose sanctions, the President must consider “credible information obtained by... nongovernmental organizations that monitor violations of human rights.”
 - To date, **215** individuals and entities, from **28 countries**, have been designated under this program.¹ 128 persons have been designated for corruption only, 72 for human rights abuses only, and 15 on both grounds.
- **7031(c) visa sanctions**
 - [Section 7031\(c\) of the Further Consolidated Appropriations Act, 2020](#), imposes **mandatory visa bans against all foreign governmental officials and their immediate family members** that the State

¹ A downloadable spreadsheet of Global Magnitsky designations is available on Human Rights First’s website at:

https://www.humanrightsfirst.org/sites/default/files/20.07.10_USG_GMA_Designations_%28PUBLIC%29.xlsx. Figures provided are current as of November 18, 2020.

Department “has credible information have been involved, directly or indirectly, in significant corruption... or a gross violation of human rights.”

- To date, **202 persons** from **34 countries** have been publicly designated. 108 were designated for corruption and 94 for human rights abuses.
- **Country-specific sanctions programs**
 - The Treasury Department's Office of Foreign Assets Control (OFAC) also administers **country-specific sanctions programs**, some of which have corruption and/or human rights prongs.
 - Programs with relevant prongs exist for **18 countries**: Belarus, Burundi, Central African Republic, China (Hong Kong), Democratic Republic of the Congo, Iran, Lebanon, Libya, Mali, Nicaragua, North Korea, Russia, South Sudan, Sudan, Syria, Ukraine, Venezuela, and Zimbabwe.

Targeted sanctions regimes in other legal systems

- **Canada** enacted the [Justice for Victims of Corrupt Foreign Officials Act \(Sergei Magnitsky Law\)](#) in October 2017. This legislation allows the Governor in Council to block or revoke visas and to block all Canada-based property of foreign **individuals** who have engaged in:
 - a) extrajudicial killings, torture or other gross violations of internationally recognized human rights
 - b) acts of significant corruption by foreign public officials or their associates.
 - To date, **70 individuals** have been sanctioned.
- **The United Kingdom** enacted its Magnitsky-style human rights sanctions program, the [Global Human Rights Sanctions Regulations](#), in July 2020. The program allows the UK to freeze the assets of and impose travel bans on any

individual or entity determined to have seriously violated an individual's:

- **right to life**
- right to not be subjected to **torture or cruel, unusual, or degrading treatment**; or
- right to be free from **slavery**, to not be held in **servitude**, or not be required to perform **forced or compulsory labor**.²
- To date, **57 individuals** and entities have been sanctioned, of which 53 had also been previously designated by the U.S.
- **The European Union** is actively working toward adoption of a Magnitsky-style program. EU foreign ministers agreed in December 2019 to launch work for a global sanctions regime to address serious human rights violations.³
- **Australia's parliament** is currently considering whether to adopt a targeted sanctions regime similar to the Global Magnitsky sanctions program.
- **Other sanctions regimes: Lithuania**,⁴ **Estonia**,⁵ and **Latvia**⁶ all maintain little-used programs.

How HRF uses targeted sanctions to combat impunity

- **HRF organizes a coalition of 200+ civil society groups from 50+ countries to develop recommendations that lead to sanctions against the world's worst human rights abusers and corrupt officials.** We:
 - provide legal and practical expertise to partners through trainings, briefings, and documentary resources;
 - improve civil society recommendations through review and editing, facilitate pro bono legal support, and aid in submitting casefiles to appropriate USG offices;

² Global Human Rights Sanctions Regulations 2020, Section 1(4)(2).

³ 'Remarks by High Representative Josep Borrell at the press conference following the Foreign Affairs Council', 9 Dec. 2019.

⁴ Republic of Lithuania, Law Amending Article 133 of Law No IX-2206 on the Legal Status of Aliens, Section 4.

⁵ Republic of Estonia, Obligation to Leave and Prohibition on Entry Act, Section 29(6).

⁶ 'Foreign Minister Edgars Rinkēvičs Informs EU Foreign Ministers About the Latvian Parliament Calling to Set Sanctions on Persons Involved in the Sergei Magnitsky Case', 26 Feb. 2018.

- engage with actors across the USG to create advocacy opportunities for our partners; and
- advocate for increased appropriations and other USG process improvements.
- **Results to date** - Since September 2017:
 - 350+ unique sanctions recommendations submitted.
 - Roughly 40% of total primary Global Magnitsky sanctions released by the USG have a basis in these recommendations.
 - Consistent positive response and collaboration from USG.
- **Additional resources & contact information**
 - Please consult HRF's [resources page](#).
 - To learn more, email Scott Johnston at JohnstonS@humanrightsfirst.org.