

Senate of Canada
Standing Committee on Foreign Affairs and International Trade

Hearing

On

“Comprehensive review of the provisions and operation of the Sergei Magnitsky Law and the Special
Economic Measures Act”

February 15, 2023 – 4:00pm

Ottawa, Canada

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Chair, Deputy Chair, and Members of the Committee, thank you for the opportunity to testify today.

Human Rights First is an independent, nonprofit advocacy organization dedicated to promoting and protecting human rights, and urging the United States to take a leading role in this effort – both at home and around the world.

For the past six years, Human Rights First has built a global coalition of 300 civil society groups to advocate for the use of targeted human rights and anti-corruption sanctions, in the United States and other jurisdictions with Magnitsky-style sanctions programs. We are proud to have the Raoul Wallenberg Centre for Human Rights leading the coalition's work in Canada, as well as partners in the United Kingdom and European Union.

From the first U.S. Global Magnitsky sanctions in 2017, civil society has been integral to their effectiveness. By our estimate, one-third of all U.S. Global Magnitsky sanctions have had a basis in recommendations provided by civil society.

Today, I would like to offer three ways we have seen civil society provide critical contributions to governments implementing targeted human rights and anti-corruption sanctions, and which I would encourage the government of Canada to build on.

First, civil society groups are a key source of the information that governments need to impose sanctions. Civil society has unparalleled evidence of abuses and insight into who bears responsibility, based on years of research, monitoring, interviews with victims, and on-site documentation. These are sources that government officials often do not have.

We have worked with civil society groups to bring more than 160 well-documented files to the U.S. government, recommending specific perpetrators for Magnitsky sanctions. This pipeline of recommendations is reflected in about one-third of U.S. Global Magnitsky sanctions cases – including ones that U.S. officials cite as among the most impactful sanctions. This speaks to the quality of evidence and analysis civil society provides, and the fact that sanctions in the name of human rights and anti-corruption are more credible when they reflect the priorities of independent human rights and anti-corruption groups.

As more jurisdictions have adopted Magnitsky-style sanctions, we have encouraged other governments to take a similar approach to engaging civil society, and expanded our coalition efforts. For example, we helped coordinate the submission of sanctions recommendations for the arbitrary detention of Russian opposition leader Vladimir Kara-Murza in multiple jurisdictions. We were pleased Canada was the first to announce sanctions in Vladimir's case in November, after a submission from the Raoul Wallenberg Centre. We would encourage the Canadian government to build upon this positive engagement with civil society going forward.

Second, civil society plays a vital role in understanding the impact of sanctions and their enforcement. For example, in the wake of U.S. sanctions against Bangladesh's Rapid Action Battalion for human rights abuses in 2021, civil society groups tracked the abrupt halt in extrajudicial killings by the unit, as well as the eventual resumption of those abuses. They highlighted how the sanctions cut through government efforts to suppress free speech and sparked unprecedented calls for accountability and reform. They reported on law enforcement's quiet threats to victims' families to recant reports of disappeared loved ones and increased surveillance of and harassment against human rights groups. This information is

critical for governments as they monitor sanctions enforcement, consider additional measures, and address delisting requests.

Finally, civil society groups identify gaps in the implementation of sanctions programs and urge governments towards more equitable use of these tools. In November, we released a report – [*Multilateral Magnitsky Sanctions at Five Years*](#) – analyzing how the United States, Canada, United Kingdom, and European Union have used their Magnitsky sanctions tools. Together with the Raoul Wallenberg Centre, REDRESS, and Open Society Foundations, we found key gaps across the four jurisdictions. These included significant shortcomings in how Canada uses sanctions for human rights abuses and corruption under the Justice for Victims of Corrupt Foreign Official Act and the Special Economic Measures Act, such as:

- Missing opportunities to multilateralize and strengthen the impact of their sanctions;
- Rarely imposing sanctions for corruption;
- Excluding close partners and allies from sanctions even when merited; and
- Failing to provide accountability for marginalized victims of human rights abuses.

On this last point, we found that in five years, Canada had never imposed Magnitsky sanctions for human rights abuses against LGBTQ+ or indigenous persons. In its public announcements, only 7 percent of its Magnitsky cases mentioned female victims and just 1 percent mentioned children. If these are tools for accountability, we found they are overlooking most of the world's victims.

Many government officials have thoughtfully engaged with these findings. We heard Global Affairs Canada is considering changing its sanctions processes in light of our report. We are eager to build on this engagement, to share the perspectives of those fighting human rights abuses and corruption in their countries and around the world, and to strengthen the use of Magnitsky sanctions to hold perpetrators accountable.

On behalf of Human Rights First, thank you and I look forward to your questions.