

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

## Part 1 of 20 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 tools to impact human rights abusers and corrupt officials across the globe using targeted sanctions.** 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 relevant country-specific sanctions programs (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 GMSP.
  - 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 GMSP 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, **207** individuals and entities, from **25 countries**, have been designated under this program.<sup>1</sup> 121 persons have been designated for corruption only, 72 for human rights abuses only, and 14 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 Department “has credible information have been involved, directly or indirectly, in

<sup>1</sup> A downloadable spreadsheet of GMSP designations are 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 August 7, 2020.

- significant corruption... or a gross violation of human rights.”
- To date, **173 persons** from **32 countries** have been publicly designated. 93 were designated for corruption and 80 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 **17 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.
  - 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**.<sup>2</sup>
  - To date, **49 individuals** and entities have been sanctioned, of which 47 had also been previously designated by the U.S.
  - **The European Union** is actively working toward adoption of a GMSP-style program. EU foreign ministers agreed in December 2019 to launch work for a global sanctions regime to address serious human rights violations.<sup>3</sup>
  - **Australia's parliament** is currently considering whether to adopt a targeted sanctions regime similar to the GMSP.
  - **Other sanctions regimes: Lithuania**,<sup>4</sup> **Estonia**,<sup>5</sup> and **Latvia**<sup>6</sup> all maintain little-used programs.

## 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 GMSP-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**

## 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;
  - engage with actors across the USG to create advocacy opportunities for our partners; and
  - advocate for increased appropriations and other USG process improvements.

<sup>2</sup> Global Human Rights Sanctions Regulations 2020, Section 1(4)(2).

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

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

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

<sup>6</sup> '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.

- **Results to date** - Since September 2017:
  - 200+ unique sanctions recommendations submitted.
  - Roughly 25% of total GMSP and 7031(c) 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](mailto:JohnstonS@humanrightsfirst.org).