

Global human rights sanctions

Mapping Magnitsky laws: The US, Canadian, UK and EU approach

SUMMARY

Human rights sanctions are nothing new, but the death in 2009 of Russian whistle-blower Sergei Magnitsky in detention resulted in calls for more vigorous action to counter continuing abuses in many countries. Adopted by the US in 2016, the Global Magnitsky Act was the first of a new generation of human rights sanctions programmes, which, in contrast to traditional sanctions targeted at individual countries, can be flexibly applied to perpetrators from all over the world, regardless of their geographical location.

This briefing compares four such programmes: the US Global Magnitsky Act, Canada's Sergei Magnitsky Law, the UK's Global Human Rights and Anti-Corruption Regulations, and the EU's restrictive measures against serious human rights violations and abuses, the most recent of the four to be adopted. All of these are inspired by the ambition to tackle serious human rights crimes from around the world, but there are also significant differences, for example, in terms of the threshold for human rights offences, the inclusion or not of corruption-related offences, and the role played by parliaments and civil society.

In terms of practical application, Global Magnitsky is by far the most active of the four programmes for the time being, targeting over 300 individuals and entities from 40 countries. Traditional geographical sanctions still predominate in all four jurisdictions; nevertheless, restrictive measures applied under global programmes to Chinese, Russian and Saudi officials highlight the role that such sanctions can play in furthering Western cooperation on human rights.

This briefing has been written as part of a collaborative project between the European Parliament's Research Service and Directorate-General for External Policies on mapping best practices in global human rights sanctions regimes.



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The rise of global human rights sanctions

US Global Magnitsky Act: The first global sanctions regime

[Sergei Magnitsky](#) was a Russian tax expert who claimed to have uncovered massive fraud involving corrupt tax officials. In 2008, Magnitsky himself was accused of tax evasion and arrested; he died in prison one year later, after being severely beaten and denied access to medical treatment. In 2012, following international outrage and tireless campaigning by Magnitsky's former client, US financier Bill Browder, the United States adopted the [Sergei Magnitsky Rule of Law and Accountability Act](#), envisaging sanctions (asset freezes, financial restrictions, and visa bans) against persons responsible for Magnitsky's death and similar gross human rights abuses in Russia. It currently targets over 50 Russian officials. In 2016, a [Global Magnitsky Human Rights Accountability Act](#) followed, extending the scope of sanctions from Russia to the whole world.

Sergei Magnitsky – A controversial figure?

[Questions](#) about Magnitsky were raised by a 2016 [documentary](#) directed by Russian filmmaker Andrey Nekrasov. The film argues that Magnitsky's detention was not politically motivated, as both he and Browder were implicated in serious tax evasion. Its conclusions were rejected by Magnitsky's family and Browder. Following controversy over the film, its April 2016 premiere in the European Parliament was cancelled. However, the fact that Magnitsky's case involved serious human rights abuses is not contested.

Human rights sanctions are nothing new. For example, since 1974, an amendment to the US [Foreign Assistance Act](#) restricts security assistance to states that violate internationally recognised human rights; in 1977, the UN adopted an arms embargo against South Africa partly due to its apartheid policy; and most of the autonomous sanctions adopted by the EU, US, and Canada against countries such as Belarus, Myanmar and Sudan are motivated by human rights concerns.

Nevertheless, the 2016 US Global Magnitsky Act represents a new departure in international human rights sanctions practice, due to its unlimited geographical scope; whereas previous measures had always targeted individuals and entities from specified countries (Russia in the case of the 2012 US Magnitsky Act), no such restrictions apply to the global version of the act.

Following the example of the US, several other countries have adopted similar laws, in some cases also named after Sergei Magnitsky. This briefing compares global human rights sanctions regimes from the US, Canada, the EU and the UK. Although not discussed in detail here, Magnitsky-type legislation has also been adopted in Gibraltar, Jersey, Kosovo, and – before such measures were agreed at European level – three EU Member States: Estonia, Latvia and Lithuania. [Ukraine](#) and Moldova have considered adopting Magnitsky laws, but these are currently off the legislative agenda. The Australian government has already [committed](#) to tabling the requisite legislation, while in [Tokyo](#) parliamentarians have called on the government to do likewise.

From geographical to thematic sanctions

The US Global Magnitsky Act and equivalent legislation in other jurisdictions reflect a trend towards thematic sanctions that can be applied to particular types of perpetrators, regardless of the geographical location, as an alternative to the traditional geographical sanctions, whose scope is limited to a particular country. This approach was first applied to non-state actors, for example in UN [counter-terrorism sanctions](#) (2001) as well as US sanctions against [drug traffickers](#) (1999) and [criminal gangs](#) (2011); given the transnational nature of criminal and terrorist networks, restricting the geographical scope of such measures makes little sense. More recently, globally scoped thematic sanctions have also been applied to state-linked actors, for example by EU [chemical weapons](#) and [cyber](#) sanctions (2018, 2019) and US [electoral interference](#) sanctions.

Thematic sanctions have several [advantages](#) over geographical ones. Creating a separate legal framework for each of the many countries where violations occur is a cumbersome process. Although the EU, US and others often respond rapidly to crisis situations (such as the mass killings and rapes of Rohingyas in 2017), such swift action is not always possible; according to Australian government officials, each new sanctions regime can take up to [six months](#) to create. Such delays may allow targets to evade restrictions by relocating assets. By contrast, it is much quicker to merely add new names to a pre-existing thematic framework.

Growing cooperation among Western actors on sanctions

UN action on human rights tends to run into opposition from permanent (and therefore veto-holding) Security Council members Russia and China, which regard such issues as an internal matter (not least in view of their own poor human rights situation) and have shielded regimes such as [Syria](#) and [Myanmar](#) from international sanctions. As a result, UN sanctions tend to focus on security issues, with few exceptions (such as the 2011 [sanctions](#) for human rights violation by the former Gaddafi regime in Libya).

When UN measures are not possible, Western countries coordinate their responses to human rights violations. In 2021, joint announcements by the US, Canada, the UK and the EU of simultaneous sanctions against [China](#) in March and [Belarus](#) in June reflect this trend towards growing cooperation. The fact that all four now have 'Magnitsky' laws – used in this instance by the US, the EU and the UK in the absence of a geographical legal framework for China sanctions – facilitates such cooperation.

Obstacles to the spread of Magnitsky-type laws

Given the flexibility that global human rights sanctions offer, it may seem strange that so many Western-aligned countries have yet to adopt them. In March 2021, Australia [welcomed](#) the above-mentioned joint Western initiative on Uighur human rights, but did not join it, due to its lack of a legal framework for sanctions against China. Although the government finally committed to a global human rights sanctions programme in August 2021, some observers [claimed](#) that certain officials were initially reluctant to follow the parliament's December 2020 recommendation to that effect, precisely because it would facilitate China sanctions, thus depriving Canberra of a convenient excuse for avoiding actions that could damage close economic ties with Beijing. Experts also suggest that [Japan](#) is equally cautious about upsetting its powerful neighbour; parliamentarians have [called](#) for a Japanese Magnitsky act, but the government is more hesitant. In Europe, similar concerns apply to [Russia](#); the fact that sanctions can only be adopted by unanimous agreement between the 27 EU Member States (despite [calls](#) for decision-making in this field to move to qualified majority voting) may also help to explain the four-year gap between the US Global Magnitsky Act and the EU's equivalent measures.

Magnitsky laws in the US, Canada, the EU and the UK

Legislation

Following the adoption of the 2016 [Global Magnitsky Act](#), in 2017 US President Donald Trump issued [Executive Order 13818](#), which implements global human rights and corruption sanctions at the same time as applying them to a broader range of offences than initially envisaged by the act (see below). The act is due to expire in December 2022; a [bill](#) that proposes to authorise the act permanently and give it a similarly broad scope to EO 13818 is currently before the Senate.

Canada followed in 2017 with its [Victims of Corrupt Foreign Officials Act \(Sergei Magnitsky Law\)](#), closely modelled on US legislation and also named after Sergei Magnitsky.

The equivalent UK measures come from four texts. The first of these is the [Criminal Finances Act 2017](#), which provides a definition of human rights abuses and the persons who commit them. That

definition is used by the [Sanctions and Anti-Money-Laundering Act 2018](#), designed as a general framework for all kinds of sanctions in the wake of the UK's exit from the EU and consequent withdrawal from EU-level sanctions. Based on the principles set out in the act, the government adopted the [Global Human Rights Sanctions Regulations](#) in June 2020 and the [Global Anti-Corruption Sanctions Regulations](#) in April 2021.

The EU's **restrictive measures against serious human rights violations and abuses** were not adopted until December 2020. Following the usual EU practice established by [Article 215](#) of the Treaty on the Functioning of the European Union, the legal framework comprises two simultaneously adopted but separate pieces of legislation, a Council [decision](#) and a Council [regulation](#); the latter sets out the financial penalties. To help Member States and EU companies implement the regulation, the European Commission has issued detailed [guidelines](#).

Scope of global human rights sanctions

Table 1 – Criteria for sanctions, part 1: human rights violations

US	Canada	UK	EU
(Global Magnitsky Act) 'gross violations of internationally recognized human rights' (EO 13818) 'serious human rights abuse'	'Extrajudicial killings, torture or other gross violations of internationally recognized human rights'	(Global Human Rights Sanctions Regulations) violations of the right to life, torture or cruel, inhuman or degrading treatment or punishment, slavery, forced or compulsory labour	i) 'Serious human rights violations and abuses', genocide, torture, slavery, extrajudicial killings, arbitrary arrests, etc. ii) If widespread and systematic: human trafficking, abuses of freedoms of: peaceful assembly, association, opinion and expression, religion and belief, etc.

Similarly worded provisions in the US **Global Magnitsky Act** and Canada's **Sergei Magnitsky Law** envisage sanctions for 'gross violations of internationally recognized human rights'. In the US, such violations are defined by the 1961 [Foreign Assistance Act](#) and include extrajudicial killings, torture, prolonged detention without charges and trial, and other flagrant denials of the right to life, liberty, and security. Executive Order 13818 introduces a lower threshold, with sanctions for 'serious' abuses (which are not further defined) potentially covering a much wider range of violations.

The UK's **Global Human Rights Sanctions Regulations** apply sanctions for violations of the right to life, but also for torture or other cruel, inhuman or degrading treatment or punishment, slavery, forced or compulsory labour. The Sanctions and Anti-Money-Laundering Act refers to 'gross human rights abuses', defined as torture, or other cruel, inhuman or degrading treatment or punishment.

The **EU** divides human rights abuses into two categories: those which are serious enough to warrant sanctions even if not repeated (such as torture), and those which are only sanctioned if they become systematic, such as restrictions on civil liberties. Whereas the scope of the first category is similar to that of US, Canadian and British sanctions, the second category includes a much broader range of offences that are not explicitly mentioned by the other three Magnitsky laws. However, the practical effect of these differences should not be exaggerated; given the huge numbers of human rights offences, sanctions lists are [unlikely](#) to capture more than a small percentage of offences.

Table 2 – Criteria for sanctions, part 2: corruption

US	Canada	UK	EU
(Global Magnitsky Act) 'significant corruption'; (EO 13818): 'corruption'	'Significant corruption'	(Global Anti-Corruption Sanctions Regulations) 'serious corruption'	Not mentioned

As Sergei Magnitsky's death illustrates, corruption and human rights offences often go hand in hand. It could also be [argued](#) that corruption is inherently a human rights issue, as it deprives individuals of resources that allow them to enjoy their rights. This is the approach underpinning the **US** and **Canadian** Magnitsky laws, which envisage sanctions for misappropriation of public and private property, as well as for bribery, even in the absence of human rights violations; indeed, [over half](#) the names on the Global Magnitsky list are designated for corruption. By contrast, in the **UK**, human rights abuses and corruption are covered by two separate laws, with the latter falling within the scope of the Global Anti-Corruption Sanctions Regulations.

Corruption is not one of the violations listed in the **EU's** global human rights restrictive measures. The EU's reluctance to adopt global-level corruption sanctions may have to do with the [disappointing results](#) of geographical sanctions for [misappropriation of state assets](#) in Tunisia, Egypt and Ukraine; the latter have been [hampered](#) by legal challenges, which many corrupt actors have the financial resources to mount, and which have overturned numerous designations. Nevertheless, there have been many calls for acts of corruption to be added to the scope of the EU global human rights sanctions, not least from the European Parliament (see Section on the Parliament's position below).

Table 3 – Criteria for sanctions, part 3: victims and perpetrators

	US	Canada	UK	EU
Victims	Global Magnitsky Act: whistle-blowers, human rights defenders EO 13818: not specified	Whistle-blowers, human rights defenders	Not specified	Not specified
Perpetrators	(Corruption) government official, or associate/person acting on their behalf	(Corruption) government official or associate	(Corruption) public official, or person who offers them bribes	Not specified

The US **Global Magnitsky Act** and the Canadian **Sergei Magnitsky Law** focus on human rights abuses against two categories of victim: whistle-blowers (such as Sergei Magnitsky), defined as persons who seek to expose illegal activities by government officials, and human rights defenders. With regard to perpetrators of corruption, both texts refer to government officials and their associates. Perpetrators of human rights offences only have to be 'foreign nationals' (perpetrators who are US and Canadian nationals are liable for criminal prosecution rather than sanctions); however, the use of the term 'violations', which in international human rights law generally refers to [state actors](#), implies that here too, government officials are envisaged.

The focus on state actors as perpetrators and whistle-blowers or human rights defenders as victims, reflects the Sergei Magnitsky case, and indeed provisions to this effect are often [referred](#) to as 'Magnitsky clauses'. However, it could be argued that such provisions are unnecessarily [restrictive](#): non-state actors such as rebel militia can also commit horrific crimes, whereas ordinary citizens who happen to be in the wrong place at the wrong time can easily become victims without qualifying as human rights defenders, even under broad definitions such as that included in Canadian [guidelines](#).

Executive Order 13818 is less restrictively worded: no categories of victims are specified, and the term 'abuses' is one that can also apply to non-state actors. US designations reflect this flexibility:

victims include Chinese [Uyghurs](#) detained merely on account of their ethnicity, while [Libyan rebels](#) are among the perpetrators of human rights abuses. Non-state actors can also be sanctioned for corruption, as in the case of Israeli entrepreneur [Dan Gertler](#), accused of corrupt oil and mining deals in the Democratic Republic of the Congo.

UK legislation applies sanctions to state or non-state actors for human rights abuses, and to public officials and the persons who offer them bribes for corruption. **EU** human rights sanctions refer to 'violations and abuses', and do not specify any category of perpetrator or victim.

Table 4 – Criteria for sanctions, part 4: degree of involvement

US (Global Magnitsky Act)	US (EO 13818)	Canada	UK	EU
Responsible for or complicit in human rights violations or corruption; facilitating corruption	Responsible for/complicit in abuses, or leader or official in an organisation involved in abuses; facilitating corruption or human rights abuses	Responsible for or complicit in human rights violations or corruption; facilitating corruption	Responsible for, involved in, facilitating abuses; associated with or belonging to an involved organisation	Responsible for or facilitating; associated with responsible or facilitating persons

In contrast to the more restrictive wording of the US **Global Magnitsky Act, Executive Order 13818** envisages sanctions not only to those responsible or complicit in abuses, but also to 'leaders or officials' of organisations involved in such abuses, even if those individuals are not directly responsible for them. In addition, anyone who has facilitated corruption or human rights abuses, for example, by providing legal or accounting services, is also liable for sanctions. UK sanctions are similarly inclusive.

Table 5 – Transparency and delisting

	US	Canada	UK	EU
Evidence	'Credible evidence'	The government 'is of the opinion that'	'Reasonable grounds to suspect'	Not specified
Transparency	Reports to Congress including grounds for designation are unclassified, but may include classified annexes	Not specified	Designated persons receive a statement of reasons. Certain relevant information may be excluded from the statement, e.g. for national security reasons	Grounds for designation are included in the annex to the Council decision
Delisting	President (in practice, Office of Foreign Assets Control) may delist, if in the national security interests of the US, or the designated person did not commit violations / has been prosecuted appropriately / has paid an appropriate consequence and credibly promised not to commit similar acts in future	Designated person can request Foreign Affairs Minister for delisting. Minister decides if there are reasonable grounds to recommend delisting	(Sanctions and anti-Money Laundering Act) Foreign Secretary can delist at any time if he / she considers that the conditions for designation are no longer met. Designations are reviewed every three years, and a designated person can request delisting	The Council reviews designations if observations are submitted, or substantial new evidence is presented

Magnitsky laws are vague about standards for evidence. In theory at least, this allows them to base designations on intelligence as well as open-source information. Although the US, the UK and the

EU are legally obliged to state their reasons, such statements are generally [cursory](#); US and UK legislation allows certain information to remain classified, for example, for reasons of national security.

Information from sources that are not publicly accessible can be problematic. In the past, the European Court of Justice has often [upheld](#) legal challenges to designations under geographical human rights sanctions programmes because the Council was [unwilling](#) to share the relevant information with the Court. The UK government, among others, has therefore [called](#) for greater use of open sources.

A general lack of transparency not only increases the risk of sanctions being overturned, it can also reduce the incentive for human rights offenders to change their behaviour – which is, after all, the ultimate goal. Listings under the Global Magnitsky Act have been criticised for failing to adequately inform designated persons of the [offences](#) that they are accused of and the [actions](#) they need to take to get delisted.

The role of parliaments

Table 5 – The role of parliaments in global human rights sanctions

	US	Canada	UK	EU
Adopting the legislative framework	Global Magnitsky Act initiated by Congress; EO 13818 issued by president	Legislation initiated by government, adopted by parliament	Global Human Rights and Anti-Corruption Sanctions Regulations adopted by government, approved by parliament	No formal role for European Parliament
Adding names to sanctions lists	President must consider proposals for designations by relevant congressional chairs / ranking members	Relevant parliamentary committees may submit a review setting out their recommendations on continuing or ending designations	Parliamentary committees conduct an independent review to assess whether sanctions should be applied to perpetrators of gross human rights violations	No formal mechanism for the Parliament to recommend designations
Monitoring implementation	Once a year, the president presents a report to Congress listing names, dates and reasons for imposing or terminating sanctions	Within five years of entry into force, the relevant parliamentary committees must undertake a comprehensive review of the act and its implementation	Once a year, the government presents a report to parliament setting out the sanctions it has adopted in relation to gross human rights abuses, and its response to recommendations by parliamentary committees	The Parliament debates the annual report on human rights and democracy, which includes general information on sanctions

Adopting the legislative framework

Parliaments have traditionally been strong advocates of human rights sanctions, often more so than governments, which (as in the above-mentioned examples of Australia and Japan show) may worry about the impact on relations with important partners such as China. The Magnitsky laws discussed in this briefing were no exception to this general tendency, with much of the impetus in all four jurisdictions coming from parliaments. In 2013, parliamentarians from 21 countries including Canada and the UK [met](#) in the European Parliament to found an interparliamentary Justice for Sergei Magnitsky group, to promote and coordinate parliamentary action in this field.

In the **US**, while presidents can [unilaterally](#) impose sanctions through executive orders, Congress frequently takes the legislative initiative, sometimes in the face of presidential reluctance. For

example, this was the case for the original, 2012 Magnitsky law (only applicable to Russian officials), initially [opposed](#) by the Obama administration, which was keen to promote a reset of relations with Moscow. The 2016 Global Magnitsky Act was also initiated by Congress, this time with less resistance from the executive.

In the [UK](#) and [Canada](#), backbenchers (i.e. members of parliament who are not government ministers) have proposed Magnitsky sanctions, using their right to table legislation through [private members' bills](#). These bills never became law, but did at least help to put the issue on the agenda, and eventually encouraged governments in both countries to act. In the UK, this was a two-step process. The first stage was the Sanctions and Anti-Money-Laundering Act, initiated by the government and adopted by parliament. During its [debate](#) on the act, parliament significantly altered the government's proposal, which did not explicitly mention human rights; an opposition amendment added promoting human rights and compliance with international human rights law as one of the general purposes of sanctions. In the second stage, using the powers granted it by the act, the government went on to adopt two regulations, on global human rights and anti-corruption sanctions; these had to be approved by parliament to enter permanently into force.

In the **EU**, Member States and the High Representative for Foreign Affairs and Security Policy have the exclusive right to propose sanctions, with adoption by the Council and no formal role for the European Parliament whatsoever. At best, the latter can push for Council action through resolutions, such as that adopted in March [2019](#), which demanded Magnitsky-style human rights sanctions.

Most of the impetus for the EU's global human rights framework eventually adopted in 2020 came from the parliamentary side, from national parliaments as well as the European Parliament. In April 2018, the Dutch Parliament adopted a [motion](#) (which was not backed by the main party in the governing coalition) requiring the government to propose European-level Magnitsky sanctions. Accordingly, in December 2018 the Dutch government raised the issue at the Council, setting in train discussions that were to lead to adoption two years later.

Adding names to sanctions lists

The Global Magnitsky Act requires the **US** president to consider congressional requests to determine whether a foreign person has engaged in activity attracting sanctions, and to respond within 120 days. These requests can be made by the chairs and ranking members (i.e. leading members from the minority party) of the House Foreign Affairs Committee and the Senate Foreign Relations Committee that oversee human rights in foreign policy, as well as the House Financial Services Committee and the Senate Banking Committee, which attend to corrupt financial practices. However, presidents to date have often been reluctant to comply with such requests, with Barack Obama in 2016 [insisting](#) on his prerogative to decline to act. Following the assassination of Saudi journalist Jamal Khashoggi, Donald Trump's administration added 17 Saudi officials to the Global Magnitsky list but [declined](#) to act on a request from Senators Bob Corker and Bob Menendez to investigate whether Saudi Crown Prince Mohamed bin Salman was also eligible for sanctions.

Canada's Sergei Magnitsky Law does not give parliament the formal right to request new designations, but it does authorise the relevant parliamentary committees to review existing designations and submit recommendations on terminating or continuing them. Unlike the US Global Magnitsky Act, the Canadian law does not explicitly require the government to respond.

The UK's Sanctions and Anti-Money-Laundering Act mentions that parliamentary committees have the option of conducting 'independent reviews' of whether sanctions should be applied to perpetrators of gross human rights violations. The government must explain its response to such reviews in its annual reports on human rights sanctions (see below).

The European Parliament issues its recommendations through resolutions, such as its January 2021 [resolution](#) on the arrest of Aleksei Navalny, which demanded human rights sanctions against 'Russian oligarchs related to the regime'. The Council has no formal obligation to respond to such recommendations, and in the latter case, no such sanctions were adopted (however, some oligarchs

such as Putin associate [Arkady Rotenberg](#) are already under pre-existing EU sanctions for supporting or benefiting from Russian violations of Ukrainian territorial integrity).

Monitoring implementation

In the **US** and the **UK**, governments are required to report to parliaments once a year on their implementation of human rights sanctions. In the **EU**, the High Representative presents an [annual report](#) to the European Parliament on Human Rights and Democracy in the World, summarising EU action including sanctions in this field. However, there are no specifications for the content of this report and the 2020 [report](#) only mentions the new global human rights mechanism very briefly. After debating the report, the European Parliament adopts its own [report](#) with recommendations for future action. **Canada's** Sergei Magnitsky Law does not envisage government reporting but does require committees of the two parliamentary houses to carry out a comprehensive review of the law within five years of its coming into force.

The role of civil society

Like parliaments, non-governmental organisations have expressed strong [support](#) for Magnitsky laws. Thanks to their access to detailed information and contacts on the ground, they can also provide useful input. Nevertheless, they have largely been excluded from implementation. Only the **US Global Magnitsky Act** contains a provision requiring the president to consider 'credible information obtained by other countries and nongovernmental organizations' on human rights violations. To this end, US government officials [meet](#) with NGO representatives. While such engagement can be positive, there is no obligation to follow NGO recommendations or to disclose the reasons behind decision-making; some [observers](#) would like to see greater transparency. The continuance of traditional [lobbying](#) (advocacy) by human rights NGOs suggests that government-initiated meetings do not fully satisfy civil society demand for involvement.

In calling for a European equivalent of the Global Magnitsky Act, MEPs as well as German and Dutch parliamentarians [emphasised](#) the importance of involving civil society. One [proposal](#) tabled by NGOs and Dutch parliamentarians called for a panel of human rights experts to draw up a shortlist of designations, based on input from human rights organisations and other stakeholders. However, this idea was not taken up in the **EU's global human rights sanctions**, which follow the traditional Council intergovernmental decision-making behind closed doors. Despite the absence of a formal mechanism for input, the Council has declared that it [welcomes](#) evidence from civil society organisations, which can also receive guidance on preparing such evidence from the European External Action Service. The **UK** government provides guidance and an [e-mail address](#) for individuals or organisations to submit information concerning possible designations, although it also emphasises that it cannot provide feedback on such submissions.

Global human rights sanctions in practice

Number and geographical spread of designations

Table 6 – Numbers and countries of designations (as of 11 August 2021)

	US	Canada	UK	EU
Number of designated individuals and entities	320	70	80 (human rights), 27 (corruption)	19
Countries of origin or residence	40	5	18	6

Designee listings: [OFAC](#), [Canadian government](#), [HM Treasury](#), [EU Sanctions Map](#).

Unsurprisingly, given that it has been in force the longest, the **US Global Magnitsky Act** has by far the largest number of designations. Taking full advantage of the flexibility offered by its unlimited

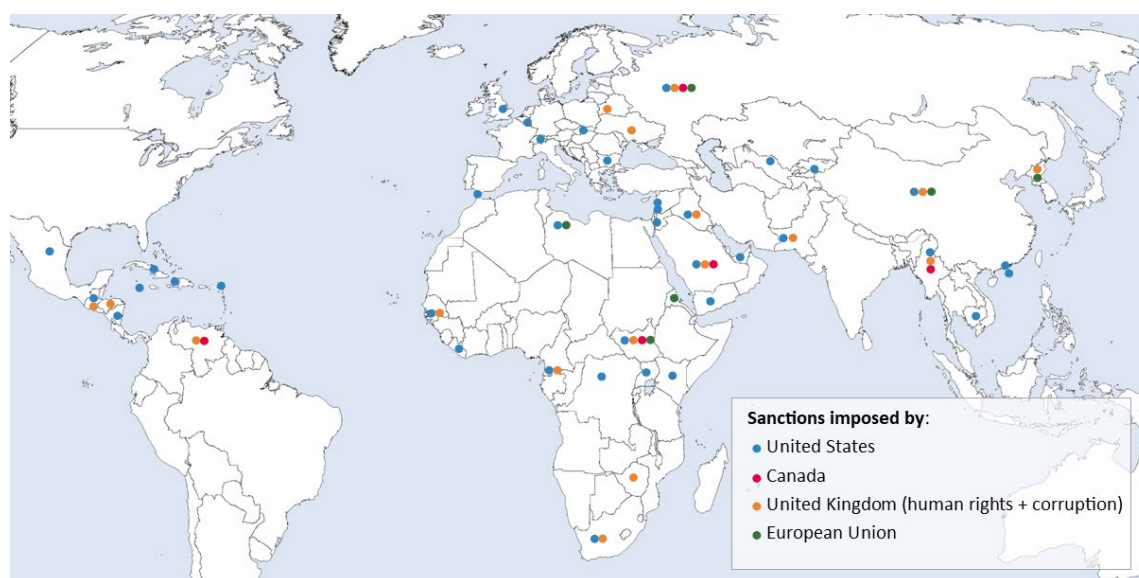
geographical scope, it targets individuals and entities from 40 countries, even including some EU Member States. Indeed, [Bulgaria](#) appears on the list with three individuals accused of corruption, and 64 companies associated with them. Broad though this geographical coverage is, there are inevitably many omissions; for example, despite serious concerns, the US has not designated any Turkmen or Azerbaijani nationals on human rights grounds under the Global Magnitsky Act or any of its other sanctions programmes, leading to [accusations](#) of political bias.

Although far more recent, the **UK's** global human rights and corruption sanctions are similarly ambitious, with over 100 names from 18 different countries, including some that are not targeted by Western geographical sanctions, such as South Africa, Guatemala and Pakistan.

Canada's list got off to a strong start but is currently dormant, with targets from just five countries and no new names added since 2018. [Critics](#) accuse Justin Trudeau's government of failing to stand up for human rights; in fact, Canada has continued to adopt sanctions against human rights violators, but under a separate mechanism: apart from establishing a global human rights sanctions list, the Sergei Magnitsky Law also amended Canada's 1992 [Special Economic Measures Act](#), a general purpose framework, by adding human rights violations and corruption to the circumstances under which sanctions may be adopted. Under this mechanism, Canada has adopted [regulations](#) with geographically scoped sanctions against Belarus, China and Nicaragua, among others, concerning 111 individuals and 10 entities (as of September 2021).

While it is too early to draw more than tentative conclusions about the **EU's** new sanctions, which only came into force in December 2020, so far they have been used quite sparingly.

Figure 1 – designations under the Global Magnitsky Act and equivalent legislation
(countries of origin/residence/registration of designated individuals and organisations)



Source: EPRS.

Global versus geographical targeted human rights sanctions

In all four jurisdictions, targeted geographical sanctions (i.e. visa bans and asset freezes applied to individuals and organisations linked to a particular country) still account for the majority of human rights-related designations. Even the Global Magnitsky Act, the most active of the global programmes with over 300 names, only represents a small percentage of the thousands of human rights offenders [listed](#) by the US Office of Foreign Assets Control.

The differing ways in which the US, Canada, the UK and the EU have used geographical and global sanctions can be illustrated by their responses to recent human rights violations. All four have

adopted sanctions against Belarus, China, Myanmar and Russia, while the US, Canada and the UK (but not the EU) have also targeted Saudi Arabia.

Although there are widespread and multiple serious human rights abuses in all these countries, sanctions have focused on a few specific incidents. In **Russia**, these are the death of Sergei Magnitsky (2009), persecution of LGBT persons in Chechnya, and the arrest of opposition activist Alexey Navalny in January 2020. In **China**, the focus is on the mass internment of Muslim Uighurs. In **Belarus**, sanctions respond to the fraudulent presidential elections (August 2020) and subsequent crackdown. **Myanmar** sanctions target the armed forces, responsible for brutal 'clearance operations' against the Rohingya minority (2017) and the February 2021 coup d'état. In 2018, **Saudi** officials were designated for their role in killing journalist Jamal Khashoggi.

Table 7 – Global versus geographical targeted sanctions

	US	Canada	UK	EU
Belarus	Geographical	Geographical	Global/geographical	Geographical
China	Global	Geographical	Global	Global
Myanmar	Global/geographical	Global/Geographical	Global/geographical	Geographical
Russia	Global/geographical (2012 Magnitsky Act)	Global/geographical	Global	Global
Saudi Arabia	Global	Global	Global	No sanctions

The above table shows that, in three out of the four jurisdictions, global sanctions are the preferred instrument for tackling human rights abuses in **China** and **Russia**. The EU and the UK do not have geographical human rights sanctions against Russia, while since 2017 the US has designated Russian human rights violators under the Global Magnitsky Act rather than the 2012 Magnitsky Act, whose scope is limited to Russia.

The exception to this pattern is Canada, which, as mentioned above, has adopted all its human rights sanctions since 2018 by means of geographically restricted regulations. The reasons for Ottawa's preference for geographical rather than global human rights sanctions is unclear, especially given that the criterion for human rights violations is even more restrictive in the former – 'gross and systematic', rather than just 'gross', as in the latter.

In the case of Russia, China and Saudi Arabia, the choice of global sanctions could be explained by a wish to limit the damage to bilateral relations with countries that are geopolitically important or significant trade partners. Whereas a separate human rights sanctions framework targeting a particular country might be seen as a hostile act, designations on a global list focus attention on [individual perpetrators](#) rather than their geographical origin. Moscow responded [vehemently](#) to the 2012 Russia-focussed Magnitsky Act, retaliating with a ban on US citizens adopting Russian children, but its response to the Global Magnitsky Act has been much lower-key. In 2021, Beijing did not welcome the EU's designation of Chinese officials – indeed, it immediately adopted its own [counter-sanctions](#) – but specific China sanctions might have been even more damaging.

By contrast, geographical sanctions seem to predominate in situations where preserving bilateral relations may be a less pressing priority. The US and the UK apply both geographical and global human rights sanctions to **Myanmar**, but there are far more names on the geographical lists – just nine individuals under the Global Magnitsky Act, compared to 54 targeted by Washington's Burma sanctions programme.

Other instruments for tackling human rights violations

Economic sanctions, like targeted individual sanctions, are closely coordinated among the four jurisdictions. Of the five countries mentioned in the previous section, Belarus faces Western economic sanctions on human rights grounds (sanctions against Russia are due to the latter's aggression against Ukraine). In June 2021, the EU adopted [restrictions](#) on Belarussian exports and banned Belarussian aeroplanes from entering European airspace; the US, the UK and Canada followed with [similar measures](#).

Arms sales: the US, Canada, the UK and the EU do not have significant arms trade with Belarus, China and Myanmar, partly due to human rights concerns (again, the arms embargo against Russia, in force since 2014, is Ukraine-related). However, despite strong [criticism](#) from human rights NGOs, Western weapons exports to Saudi Arabia were [worth](#) US\$2.4 billion in 2020.

Trade preferences: the EU, the US, the UK and Canada all operate a generalised scheme of preferences, allowing developing countries reduced or zero export tariffs. These schemes are [conditional](#) on their compliance with international human rights standards. Due to concerns about the humanitarian impact, trade preferences are rarely withdrawn, even when human rights abuses occur; so far, none of the four has moved to revoke Myanmar's preferential access. The situation is different in [Cambodia](#), another country of concern. Until 2020, Cambodia mostly escaped human rights sanctions, despite having 24 names on the Global Magnitsky list. In 2020, following a crackdown on opposition parties, civil society and media, the EU [suspended](#) duty-free access for some types of Cambodian exports; for their part, the US, Canada and the UK did not follow suit.

Development aid: Western countries are among the leading [donors](#) of development aid – an additional lever for tackling human rights violations. Following the Myanmar coup, the [EU](#), the [US](#) and the [UK](#) all announced that they would withdraw support for projects involving the country's government, although some non-governmental organisations will continue to receive funding.

European Parliament (EP) position

In its [resolution](#) of July 2021 on the EU Global Human Rights Sanctions Regime, the EP welcomes the new sanctions, which will strengthen the EU's role as a global human rights actor; calls for anti-corruption measures, either by amending the global human rights sanctions regime or adopting a separate framework; feels that the EU's use of the sanctions to date shows commitment to this ambitious new instrument; calls for civil society actors to be involved through a transparent process; regrets the lack of an institutional role for the Parliament, and suggests setting up a parliamentary working group to monitor implementation.

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