

The European Union's Use of Global Human Rights Sanctions in 2023

December 2023

Introduction

December 2023 will mark three years since the EU adopted the Global Human Rights Sanctions Regime (EUGHRSR), commonly known as Global Magnitsky-style sanctions. While the EU has been using different types of sanctions for over three decades, the EUGHRSR empowers the EU to sanction human rights abusers from many countries and to focus on specific human rights violations.

The EUGHRSR's breadth and focus have allowed the EU to issue specific thematic designations (also referred to as sanctions announcements) that address issues ranging from violence and discrimination against women and girls—including during armed conflict—to use of facial recognition technology to crack down on dissent and freedom of expression.

Launched in 2020, the EUGHRSR has enabled the EU to make 23 designations in 2021, no designations in 2022, and 65 designations as of December 2023. Even though the EU already has an extensive sanctions toolbox, the EUGHRSR has given added value to sanctions in circumstances where the EU has no country regime with human rights as a listing criteria. For example, the EU has three different sanctions regimes vis-à-vis Russia in response to the violation of Ukraine's territorial integrity, but it has no sanctions regime to address serious human rights violations committed by Russian state and non-state actors in Russia and abroad.



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While this paper does not capture designations the EU has issued under country sanctions or the three thematic sanctions regimes in 2023,¹ it does provide a number of key findings:

- Civil society engagement with EU institutions remains stable; however, the level and quality of this engagement remains inconsistent and there is a need to increase cooperation.
- The EU has taken positive steps in recognizing more women and girls as victims. Yet, there is a tendency for human rights abuses against individual male victims to incur extensive Magnitsky-style sanctions, while human rights abuses against individual female victims incur sanctions much less frequently.
- The EUGHRSR has increased the use of sanctions to combat violations of freedoms of expression, assembly, and association.
- The EU's lack of an anticorruption sanctions framework puts it behind other states that use sanctions as a surgical tool to address serious corruption globally.

1 The EU has four thematic sanctions: terrorism, cybercrime, chemical weapons, and human rights; and over 40 country regimes.

Civil Society Engagement

Civil society engagement with governments issuing sanctions is one of the distinct features of Global Magnitsky sanctions. U.S. Global Magnitsky sanctions are required by law to consider “credible information obtained by...nongovernmental organizations that monitor violations of human rights” when a specific sanctions program is implemented.² Likewise, the U.K.’s Global Human Rights sanctions program provides a very detailed explanatory note for nongovernment and civil society organizations (CSOs) and invites CSOs to submit “accurate, necessary and proportionate information...with all reasonable steps...to ensure that the information is verified or verifiable and from a trusted source.”³ In a 2022 report, *Multilateral Magnitsky Sanctions at Five Years*,⁴ we found that around one-third of U.S. Magnitsky-style sanctions have a basis in civil society recommendations, while other jurisdictions appear less responsive to such recommendations, with the EU at 13 percent and the U.K. at 4 percent. Sanctions are part of the policy toolbox and do not necessarily always respond to every serious human rights violation. However, the role and recognition of civil society in the sanctions process needs to be increased. Overall, the current trend has been that CSOs are engaging with the targeted sanctions, bringing integrity to the process, and providing the communities where they work with a sense that human rights violators will be held accountable for their actions.

Unlike the U.S. and the U.K., the EU does not have specific legislative provisions for CSO engagement. However, it does have an *open-door* policy vis-à-vis CSOs. In 2023, the EU’s civil society engagement increased slightly, but overall remained low, at 14 percent of total designations in 2023. This percentage is based on information that the authors of this report had about CSOs that made a specific sanction recommendation that the EU later implemented. Any CSO may provide a recommendation to the EU independently. This percentage thus might not capture the full scope of the EU’s cooperation and engagement with CSOs.

2 <https://humanrightsfirst.org/library/u-s-global-magnitsky-sanctions/>

3 <https://www.gov.uk/government/publications/global-human-rights-sanctions-information-note-for-non-government-organisations-and-others-interested-in-human-rights/global-human-rights-sanctions-information-note-for-ngos-and-civil-society>

4 *Multilateral Magnitsky Sanctions at Five Years*, November 2022, https://humanrightsfirst.org/wp-content/uploads/2022/11/Multilateral-Magnitsky-Sanctions-at-Five-Years_November-2022.pdf

The role civil society plays in recommendations to the jurisdictions cannot be underestimated. Many CSOs are at the forefront of the documentation of some of the most serious human rights violations. The pathway from documentation to accountability is complex, lengthy, and at times, inaccessible to some human rights advocacy groups. Yet in many cases, the use of Global Magnitsky sanctions by CSOs has become one of the most consequential policy measures for addressing serious human rights violations. CSO efforts to document these violations send a strong signal that those who abuse human rights will receive strong policy responses that hold them accountable for their actions.

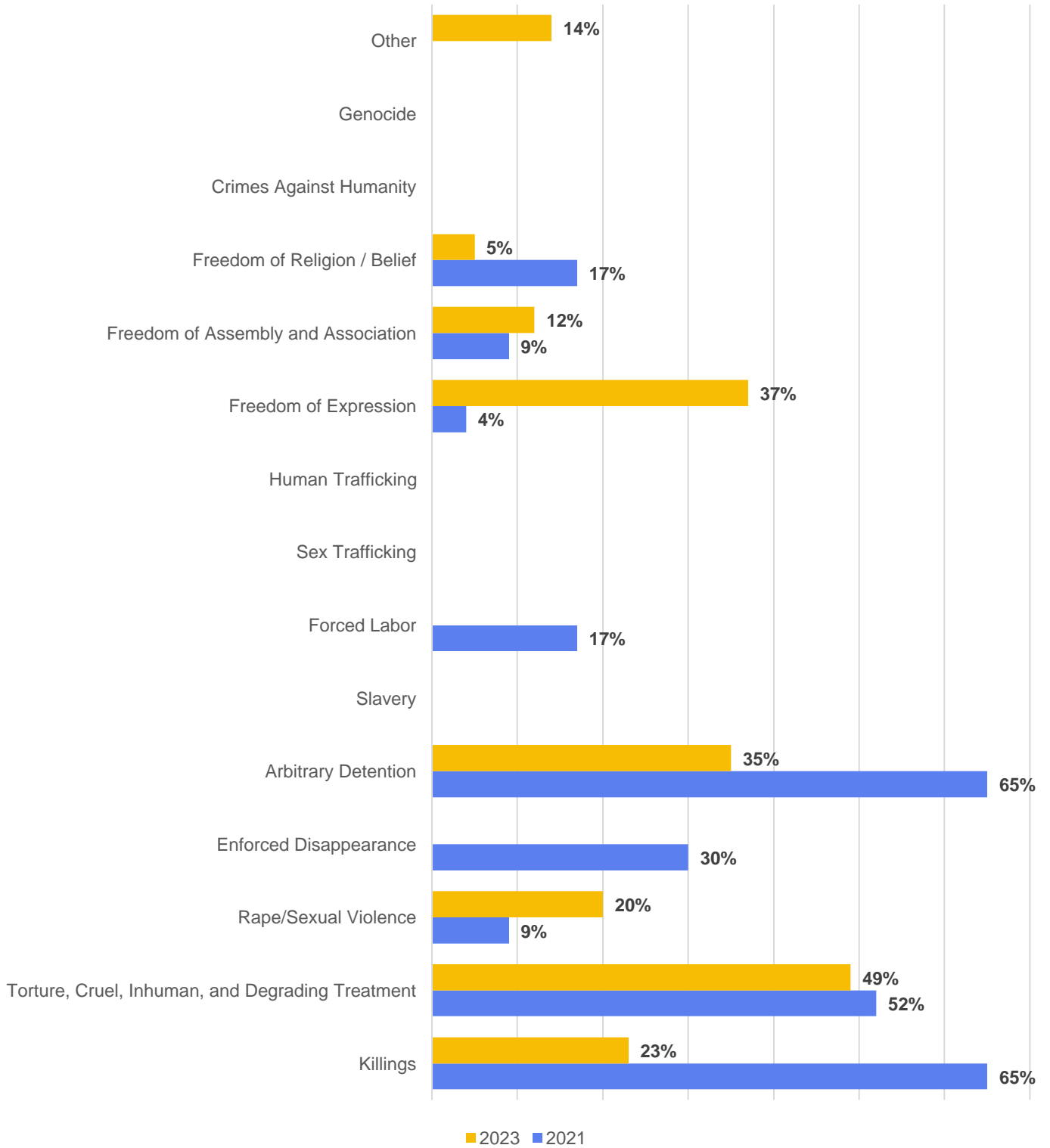
Categories of Human Rights Abuses

Among the EU's 12 categories of human rights violations listing criteria, the following were the most cited forms of abuse listed in 2021 and 2023: extra judicial killings; torture, cruel, inhuman and degrading treatment; and arbitrary detentions.

In 2023, other categories such as sexual and gender-based violence (20 percent), freedom of expression (37 percent), and freedom of assembly (12 percent) were recognized by the EU for designations as serious human rights violations, while there was a noticeable decrease in the designations on the grounds of freedom of religion and belief.

In addition, several other serious human rights abuses were addressed by the EU during the designations, including gender repression and violations against girls and women in education, violation of women's rights to access to justice, the right to equal treatment for men and women in education, and the use of disinformation campaigns, propaganda, and political interference.

Categories of Human Rights Abuses



Recognizing Marginalized Victims— Women and Girls

The *Multilateral Magnitsky Sanctions at Five Years* report looked at the use of these type of sanctions since 2017, and found that four sanctioning jurisdictions—Canada, the EU, the U.K., and the U.S.—had largely overlooked certain marginalized and vulnerable groups of victims in human rights designations. Recognizing groups such as women, children, LGBTIQ+ persons, Indigenous persons, and persons with disabilities in sanctions designations or in the statements justifying the reasons for designation, sends a powerful signal. Sanctions designations recognize the harms these groups have suffered and also condemn the perpetrators of these abuses. It shows that the international community takes these violations seriously and is not indifferent to the abuse and injustice these victims have experienced.

The EU's designations under the EUGHRSR in 2023 made notable steps in recognizing serious human rights violations suffered by girls and women, including exclusion from education, limitations to freedom of expression, denial of access to justice and—one of the most egregious abuses—sexual and gender-based violence used as a weapon of war.

In the case of Afghanistan, designations regarding serious human rights violations recognized the discrimination and restrictions faced by women and girls under the Taliban. Cases of systemic sexual and gender-based violence during the war in Ukraine and the conflict in South Sudan, as well as systematic sexual and gender-based violence directed at female antiwar protestors in the Russian penitentiary system, have all been called out by EU sanctions. Women's detention facilities in Iran were sanctioned by the EU for the "sexual abuse by prison guards and security personnel." The regime in Syria has been sanctioned for the systemic use of sexual and gender based violence as a tool of repression and intimidation, particularly against women and girls. The EU has also used designations to recognize harms suffered by the LGBTIQ+ community in Myanmar.

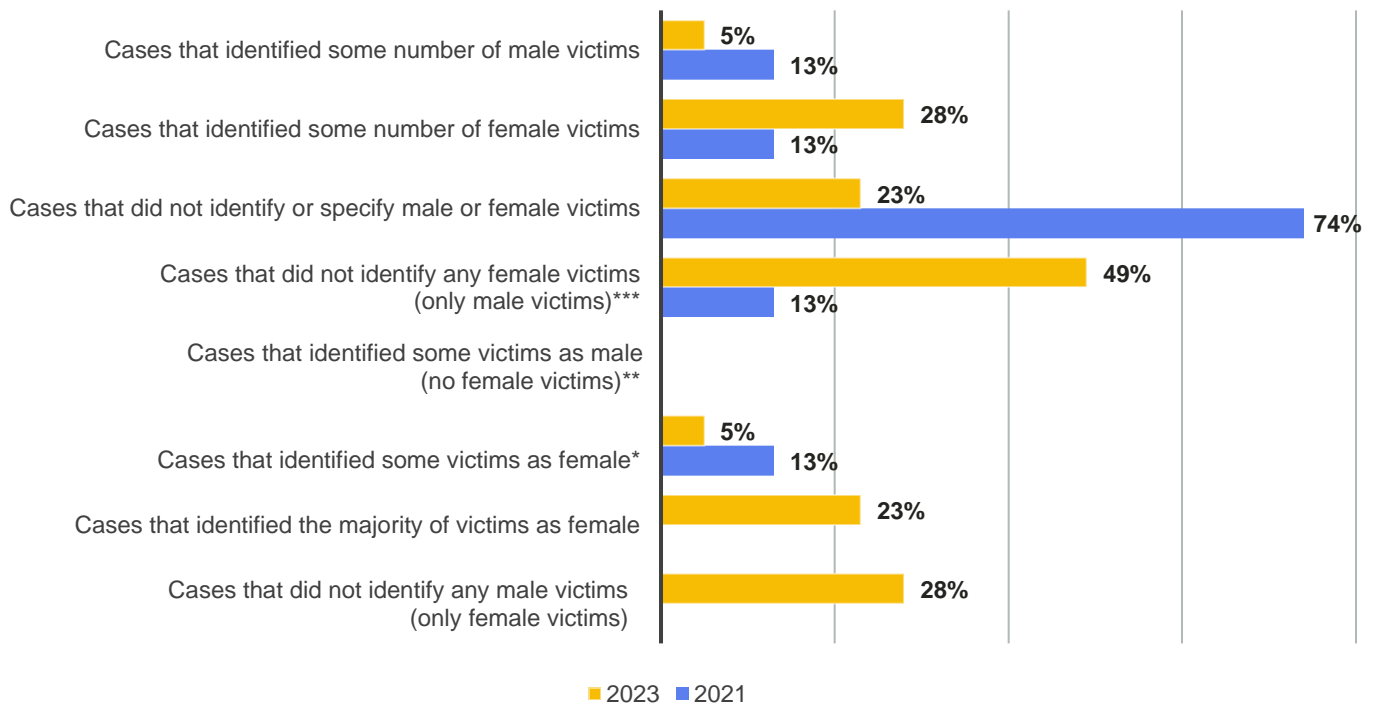
The most notable difference over the last two years is in the number of cases that have recognized women as victims of specific violations. In the majority of these cases, the EU has addressed the disproportionate impact armed conflict has had on women and girls worldwide and the systematic use of sexual and gender-based violence.

In a welcome development, the EU has addressed some of the most crucial issues in the statements accompanying these designations. The Council of the European Union's 2014 commitments to combat and eliminate all forms of violence against women called for coordinated policies of prevention, under-reporting, protection, victim support, and prosecution of perpetrators. In this regard, the use of the EUGHRSR can be considered as a strategic use of restrictive measures. It recognizes particularly vulnerable groups of victims and expresses a powerful condemnation to the perpetrators.

Recognizing Single Female vs Single Male Victims

At the same time, the omissions in the 2022 report analyzing the 2021 designations that overlooked certain marginalized groups, continued in the 2023 analysis. Jurisdictions, including the EU, were still more likely to respond with extensive Magnitsky-style sanctions for abuses involving a male victim, e.g., Vladimir Kara Murza who was sentenced to 25 years in Russia; Alexei Navalny who is serving a 9-year prison sentence in Russia; and Vladyslav Yesypenko, a freelance journalist who was sentenced to 11 years in the Russian occupied Simferopol District Court of Crimea. This is in stark contrast to the fact that in 2023 the EU made no similar designations when a woman was the victim of human rights abuses.

Gender of the Victims



* Some female victims were identified, but whether they were a majority is unclear. This will also include cases where some male victims were identified.

** Only some victims were identified, and all identified victims were male. No female victims were specifically identified. It is unclear if males were a majority of victims, however.

*** All victims were identified, and all victims were male.

Anticorruption Sanctions

Unlike Canada, the U.K., and the U.S., the EU does not have the equivalent of Global Magnitsky Sanctions to address serious acts of corruption. In May 2023, the EU's High Representative of the Union for Foreign Affairs and Security Policy presented a proposal for a regulation on restrictive measures against serious acts of corruption. The proposal came jointly with the European Commission's proposal for a directive on combating corruption inside the EU.

The EU has been a global and regional leader in using sanctions as part of its Common Foreign and Security Policy to protect human rights, respond to violations of international law, and to preserve peace and security. Yet the EU's lack of a legislative framework to sanction kleptocrats and serious corruption leaves it behind its like-minded partners and hinders its ability to use its economic power to support its foreign policy goals.

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