

## Promoting human rights: A focus on Magnitsky sanctions

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Article Info	Abstract
Short Paper  Main Object: International relations Scope: Human rights  Received: 13 January 2025 Revised: 23 January 2025 Accepted: 02 February 2025 Published online: 09 February 2025  <b>Keywords:</b> human rights, Magnitsky sanctions, sanctions, targeted sanctions, universal declaration of human rights.	Since the Universal Declaration of Human Rights in 1948, the protection and preservation of human rights have become behavioral standards for governments towards their citizens, as well as criteria for shaping foreign relations. This shift has led to the use of both incentive-based diplomacy and coercive diplomatic tools, such as international sanctions. The global Magnitsky sanctions introduced in 2016 represent one of the most significant forms of human rights sanctions. This paper demonstrates that these sanctions target individuals and entities rather than imposing bans on entire country. While they are not without concerns and criticisms, their emergence highlights the growing importance of human rights and introduces a new generation of sanctions with significant implications for international law and human rights, as well as for international relations. In this regard, using the content analysis method, the legal study and the context in which the Magnitsky sanctions were formed are examined, along with the possibility of analyzing and examining the consequences of these sanctions on the target countries and the criticisms related to them.

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## **Extended Abstract**

### **Introduction**

Human rights are fundamental rights that belong to all individuals. These rights include personal freedoms, the right to life, equality, non-discrimination, and access to justice. After World War II and the establishment of the United Nations, the global community considered the need for international standards to protect human rights. This led to the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, which not only defined essential human rights principles but also laid the groundwork for developing laws and international institutions in this area. The next significant momentum emerged in the 1970s. Human rights appeared to offer an alternative "utopia," allowing for the pursuit of a better world without becoming entangled in the confrontational rivalries of the Cold War era (Eckes, 2022: 25).

The U.S. government's Magnitsky sanctions introduced in 2012, later expanded into global Magnitsky sanctions in 2016, represent a new area of importance for human rights, along with the challenges that have existed since their inception. As some argue that the symbolic significance of the Magnitsky case, especially regarding the original 2012 law, justifies its use as a name for such regimes. Others express concern about how U.S. foreign policy and geopolitical interests may intertwine with this law, using these sanctions against adversaries or creating the misleading impression that these regimes specifically target Russia rather than being globally applicable (Weber, 2021:21).

### **Methodology**

Since the present study focuses on understanding the Magnitsky sanctions, the method used is content analysis. This method enables us to understand and analyze these sanctions by examining the Magnitsky laws and the context in which they were formed. It allows for a detailed analysis of the laws and policies related to these sanctions while utilizing existing literature to identify their effectiveness and criticisms. Ultimately, this approach helps us identify patterns and trends related to developments in the field of advancing human rights in international relations, as well as understanding how human rights sanctions are becoming more targeted.

### **The role of human rights in international relations**

One of the United Nations' first actions was adopting the Universal Declaration of Human Rights (UDHR) in Paris on 10 December 1948 during its 183rd plenary meeting of the General Assembly. Adoption of the UDHR led to the creation of several international bodies aimed at

supporting and promoting the rights outlined in it. One such body is the Office of the United Nations High Commissioner for Human Rights (OHCHR), which plays a vital role in advocating for human rights. The OHCHR also conducts peacekeeping missions in various countries and regularly assesses global human rights conditions.

In addition to the OHCHR, there are treaty bodies specifically designed to monitor compliance with key international human rights treaties. These bodies consist of independent experts who oversee how well countries adhere to their commitments. The Human Rights Council is another important entity established by the UN to address human rights violations and facilitate dialogue among member states regarding these issues. The UN Security Council also addresses human rights situations, especially when they impact global stability.

The UN Security Council has the authority under its charter to "issue ceasefire orders or deploy military observers or peacekeeping forces" when severe human rights violations occur. Such violations can include acts like genocide, ethnic cleansing, and widespread starvation. If peacekeeping efforts fail, the Security Council can impose "economic sanctions, arms embargoes, and penalties" to exert additional pressure on those violating human rights (Gomes-Abreu, 2021: 183).

The European Union, the United States, and more recently the UK and Canada have increasingly turned to sanctions as tools for promoting human rights (Prendergast, 2019: 4).

Among EU institutions, the European Parliament stands out as a leading advocate for human rights in foreign policy. It has often been one of the most vocal entities within the EU calling for sanctions in response to human rights abuses. For example, it condemned human rights violations by withholding approval for financial protocols related to agreements with Turkey and Israel in the late 1980s. The European Union also imposes sanctions that are commonly referred to as "autonomous". These sanctions are applied when the United Nations Security Council is unable to reach a consensus. Over the past 25 years, nearly two-thirds of the EU's autonomous sanctions regimes have been established to support human rights and democracy (Portela, 2018: 7, 13).

Similarly, The United States employs various tools to advance human rights, including bilateral diplomacy, multilateral engagement, foreign aid, reporting, and economic sanctions. The United States is committed to supporting the Office of the United Nations High Commissioner for Human Rights (OHCHR) and is one of its largest donors. In 2015, the U.S. allocated \$5.5 million to the OHCHR, and its

efforts to address human rights violations globally (US Department of State, 2016). Furthermore, the United States has supported UN resolutions on trade and human rights and initiated a national action plan to encourage responsible business practices. In regarding sanctions, U.S. sanctions related to human rights and corruption have shown a significant increase in designations during the Trump administration. Between 2016 and 2021, the U.S. government implemented an unprecedented number of sanctions related to human rights and corruption, which averaged around 230 per year, primarily targeting Syria, Venezuela, and Iran. According to 2021 statistics, Syria ranks first among countries facing sanctions related to human rights and corruption, with over 640 such measures in place (Bartlett & Ophel, 2021).

### **Challenges in the protection of human rights**

Despite ongoing efforts to support human rights and ensure their non-violation over the years, concerns and criticisms regarding the approach and effectiveness of the Human Rights efforts persist. One major issue is that the different UN bodies designed to monitor human rights violations do not authorize any penalties for governmental corruption. This lack of accountability often allows human rights violations to continue unchecked. Furthermore, aside from actions taken by the UN Security Council, these bodies lack the capacity to intervene in situations where human rights violations occur. The authority of the Office of the United Nations High Commissioner for Human Rights (OHCHR) is limited to its ability to "report" on human rights violations. Consequently, there is criticism that the role of the UN in human rights treaty bodies is just as ineffective in addressing these violations, as the experts appointed to monitor compliance have no explicit power to enforce adherence. This has drawn criticism, especially regarding recent situations in Libya, Venezuela, Myanmar, Yemen, and Syria (Gomes-Abreu, 2021:184).

On the other side, a review of the effectiveness of sanctions reveals that economic sanctions aimed at countries have succeeded, only 34% of the time in achieving their stated goals. Sanctions imposed on Iraq between 1990 and 2003 caused basic commodity prices to rise by up to 1000%. Boutros Boutros-Ghali, a former Secretary-General of the United Nations, raised an important question: "Is the suffering imposed on vulnerable groups in target countries a legitimate tool for pressuring political leaders when it seems unlikely that it will affect their behavior?" (Portela, 2018: 8). In response to concerns about the legitimacy of sanctions, it was stated that any future sanction regime

should be designed to minimize any unintended adverse effects on vulnerable sectors within target countries. Since then, focus has shifted toward implementing targeted and smart sanctions. Targeted sanctions are designed to be more precise and directly affect those who violate human rights without affecting entire civilian populations (Dillard, 2022: 5). Their emergence adds a new layer to what is essentially a multi-layered governmental response system against crime as they are typically based on permissible evidentiary standards like "credible evidence" or "reasonable grounds for suspicion" (Moiseienko, 2024: 17).

Another fundamental difference between comprehensive and targeted sanctions is that targeted sanctions can be directed at non-state actors or individuals, representing a significant innovation compared to traditional views (Biersteker et al., 2016; Portela, 2018:26).

A study conducted in 1990 examined the effectiveness of targeted financial sanctions compared to comprehensive trade sanctions, showed that targeted financial sanctions achieved their stated foreign policy goals 41% of the time, while comprehensive sanctions had a success rate of only 24%. (Gomes-Abreu, 2021:187).

### **The Magnitsky sanctions: Expanding human rights protections in international relations**

Magnitsky sanctions represent a significant advancement in the realm of targeted sanctions aimed at enhancing the enforcement of human rights protections. First enacted in the United States in 2012, the Magnitsky Act required the President to submit a list of individuals responsible for the detention, abuse, or death of Sergei Magnitsky to Congress. The exposure of a \$230 million fraud scheme involving Russian law enforcement and tax officials against his employer, British-American investor Bill Browder, led to Magnitsky's arrest and subsequent death in custody after being beaten by guards and denied medical care (Moiseienko, 2024: 25). Following this incident, individuals identified on the President's list became ineligible for U.S. visas, and the Secretary of State revoked their access.

In 2016, building on the initial success of the Magnitsky Act, President Obama signed an expanded version known as the Global Magnitsky Act. This law allows for sanctions against individuals outside Russia and Moldova, meaning that anyone deemed responsible for human rights violations or governmental corruption can be sanctioned (Gomes-Abreu, 2021: 179). The first round of designations announced in December 2017 demonstrated the effectiveness of this

tool in combating corruption by targeting former heads of state (Prendergast, 2019:4). In 2017, President Donald Trump signed E.O. 13818, under the National Emergency Act (NEA) and the International Emergency Economic Powers Act (IEEPA), which enhanced his ability to impose Global Magnitsky sanctions by removing the requirement for "significant" corruption (Moiseienko, 2024: 21).

The unique deterrent nature of Magnitsky laws arises from their ability to block assets and restrict access to financial markets. Many lawmakers view both the Sergei Magnitsky Act and its global counterpart as tools for imposing accountability on foreign criminals—especially when related governments are unable or unwilling to act. Canada, the United Kingdom and the European Union have also established similar sanctions regimes based on the Global Magnitsky framework, with other jurisdictions like Australia and Japan considering similar measures (Weber, 2021: 18). Notable examples of initial Magnitsky sanctions include designations against 25 Russian nationals involved in the mistreatment and death of Sergei Magnitsky; 20 Saudi citizens implicated in journalist Jamal Khashoggi's murder; two high-ranking military generals from Myanmar; and two organizations involved in forced labor, torture, and killings in North Korea. As of July 2020, additional individuals and entities have been sanctioned under global human rights regimes related to issues in Chechnya, Xinjiang in China, Myanmar, Belarus, as well as former officials from Gambia, Pakistan, Venezuela, and Ukraine (Newson, 2021).

### **The procedure of Magnitsky sanctions**

The economic sanctions authorized by the Global Magnitsky Act and E.O. 13818 align with IEEPA authorities and resemble other targeted sanction programs primarily enforced by the Office of Foreign Assets Control (OFAC) (Weber, 2021: 4). The primary aim of these sanctions is to promote accountability for human rights violations. By imposing these sanctions, the international community sends a clear message that human rights abuses will not go unpunished (Eckes, 2022: 255).

Essentially, these sanctions serve as a forensic tool that allows for targeting perpetrators without punishing the broader population that may be affected. When considering whether to designate an individual under the Global Human Rights Sanctions regime, the Secretary of State must have "reasonable grounds" to suspect that this person is involved in human rights violations (Newson, 2021). In fact, Magnitsky sanctions effectively impose a "civil death" on human rights violators within the host country. Anyone designated under these laws appears in

a global "check system," effectively barring them from participating in international financial activities (Gomes-Abreu, 2021: 189). This law permits two types of restrictions: 1. economic sanctions (asset freezes and transaction bans) that block any property held within U.S. jurisdiction and prevent U.S. individuals or entities from engaging in transactions with designated persons, and 2. visa restrictions that deny entry into the United States and revoke any previously issued visas.

This Act allows the United States to impose sanctions on human rights violators or individuals involved in corruption, particularly from countries with which the U.S. has significant bilateral relationships. This flexibility is particularly useful when there is a reluctance to establish country-specific sanctions that could broadly implicate an entire nation. For example, the U.S. has utilized the Global Magnitsky Act to designate individuals from some democratic allies or nations with positive relations, such as Bulgaria, Israel, Latvia, and South Africa (Weber, 2021: 18).

Since 2009, the United States has designated a total of 635 individuals and entities for human rights violations and corruption, with 39% of these designations made under the Global Magnitsky Act. In contrast, 1,791 individuals and entities (14% under Global Magnitsky) have been targeted under broader definitions (Bartlett & Ophel, 2021).

### **Implications and Concerns**

While the objectives of the Global Magnitsky Act may often be interconnected and mutually supportive, there are instances where they may not align. For example, sanctions against individuals who do not engage in the international financial system or who do not travel to the United States are unlikely to influence their behavior in a way that disrupts or prevents human rights violations or corruption.

Another concern is the dominance of foreign policy on these sanctions, particularly when it appears that the U.S. refrains from sanctioning individuals due to concerns about bilateral relations with specific countries. For instance, the U.S. has avoided sanctioning Crown Prince Mohammed bin Salman to prevent straining relations with Saudi Arabia, which could negatively impact cooperation on various diplomatic and security issues. The U.S. State Department stated that "Saudi Arabia is a very influential country in the Arab world and beyond. What happens in Saudi Arabia has deep implications that extend beyond its borders" (Weber, 2021: 27).

In addition, Unilateral actions by states against one another can lead to contestation of coercive diplomacy and diminished international

compliance (Gomes-Abreu, 2021: 193). This raises questions about the legitimacy of nations adopting the role of "moral police". Such criticisms often come from countries that have been sanctioned under the Magnitsky Act, mainly the global south, highlighting a contentious debate. It causes the Global South seek to counter Magnitsky sanctions through multilateral diplomacy and cooperation with one another.

Also, selective sanctions can undermine global efforts to emphasize the importance of all human rights. A question arises regarding whether an individual can be subject to multiple sanction regimes. Legally this is possible; however, if one set of sanctions is lifted, it raises concerns about whether this would affect the credibility of other sanctions. These measures undermine the very concept of human rights. While human rights are often viewed as universal moral claims, they can be limited by political power and are inherently selective. they reflect specific political values that have been formalized and are supported by the threat of enforcement (Eckes, 2022: 26).

Given that Magnitsky sanctions are relatively new, it may be tempting to assert that there are some doubts about whether those designated as part of this "gallery of rogues" should have been listed at all, even if higher evidentiary standards were applied. As sanction lists expand, the need for safeguards against wrongful designations becomes increasingly critical. For example, a doctoral student from Malaysia was mistakenly placed on a U.S. "no-fly" list and was never able to regain admission to the United States (Moiseienko, 2024: 34).

Finally, there is also the claim that these sanctions cannot fully prevent harm to affected populations, as supported by recent experiences with Iran and Syria (Moret, 2015; Walker, 2016).

### **Conclusion**

The Magnitsky sanctions can be considered a significant point in international support for human rights, encompassing the realm of international relations and the foreign policies of countries. These sanctions, initially imposed by the United States in 2012 against violators and perpetrators involved in the death of Mr. Magnitsky, are essentially a continuation of a path aimed at reforming and completing previous measures, including comprehensive sanctions. They effectively grant governments the authority to target individuals and organizations specifically, representing not only an evolutionary step in the protection of human rights but also a progression in the implementation of sanctions. This is particularly relevant given that a major concern in the literature on sanctions has been mitigating the negative consequences of sanctions on civilian populations.



However, Magnitsky sanctions are not without criticisms. One of the primary concerns surrounding these sanctions is the influence of U.S. interests and foreign policy orientations on their application, which may render them selective and politically motivated. This is especially pertinent considering that the power to impose these sanctions largely rests with Western countries, which raises concerns among Global South nations regarding the imposition of complex sanctions. Also, existing limitations within legal processes may also hinder justice for those who are mistakenly affected by these sanctions.

Overall, the formation and implementation of these sanctions can be viewed as a significant indicator of the growing importance of human rights in international relations. At the same time, there is a prospect that more complex and stringent paths will emerge in the continuation of Magnitsky sanctions, which could further heighten concerns among Global South countries, particularly those targeted by such sanctions like Iran.

### **Conflict of interest**

The author declared no conflicts of interest.

### **Ethical considerations**

The author has completely considered ethical issues, including informed consent, plagiarism, data fabrication, misconduct, and/or falsification, double publication and/or redundancy, submission, etc. This article was not authored by artificial intelligence.

### **Data availability**

The dataset generated and analyzed during the current study is available from the author on reasonable request.

### **References**

- Bartlett J, Ophel M. (2021). "Sanctions by the numbers: Spotlight on human rights and corruption". *Center for a New American Security*. <https://www.cnas.org/publications/reports/sanctions-by-the-numbers-human-rights>.
- Biersteker ThJ, Eckert SE, Tourinho M. (Eds.). (2016). "Targeted sanctions: The impacts and effectiveness of United Nations action". Cambridge University Press. <https://doi.org/10.1017/CBO9781316460290>.
- Dillard J. (2022). *Targeted Sanctions Against Human Rights Violators: A Question of Efficacy*. Honors College Theses. <https://digitalcommons.georgiasouthern.edu/honors-theses/777>.
- Eckes Ch. (2022). "EU global human rights sanctions regime: Is the Genie out of the bottle?". *Journal of Contemporary European Studies*. 30(2): 255-269. <https://doi.org/10.1080/14782804.2021.1965556>.
- (2020). "EU human rights sanctions regime: Ambitions, Reality, and Risks". *Amsterdam Law School Legal Studies Research Paper*. No. 2020-64;

- Amsterdam Centre for European Law and Governance Research Paper*. No. 2020-07.
- Gomes-Abreu A. (2021). "Are human rights violations finally bad for business? The impact of Magnitsky sanctions on policing human rights violations". *Journal of International Business and Law*. 20(2). <https://scholarlycommons.law.hofstra.edu/jibl/vol20/iss2/6>.
- Moiseienko A. (2024). "Crime and Sanctions: Beyond sanctions as a foreign policy tool". *German Law Journal*. 25: 17-47. <https://doi.org/10.1017/glj.2023.103>.
- Moret E. (2015). "Humanitarian impacts of economic sanctions on Iran and Syria". *European Security*. 24(1): 1-21.
- Newson N. (2021). "Magnitsky sanctions in Focus". *Published Friday*. June 18. <https://lordslibrary.parliament.uk/magnitsky-sanctions/Portela>.
- Portela C. (2018). "Targeted sanctions against individuals on grounds of grave human rights violations: Impact, Trends and Prospects at EU level". *The European Parliament's Subcommittee of Human Rights (DROI)*.
- Prendergast J. (2019). "A new approach to support human rights and peace: Financial pressure". [https://www.un.org/sites/un2.un.org/files/2020/09/a\\_new\\_approach\\_to\\_support\\_human\\_rights\\_and\\_peace\\_by\\_john\\_prendergast.pdf](https://www.un.org/sites/un2.un.org/files/2020/09/a_new_approach_to_support_human_rights_and_peace_by_john_prendergast.pdf).
- U.S. Department of State. (2016). "Human rights". February 29 <https://2009-2017.state.gov/p/io/humanrights/index.htm>.
- Walker J. (2016). "Study on Humanitarian Impact of Syria-Related Unilateral Coercive Measures". UNESCWA, Beirut.
- Weber, M.A. (2021). "The global magnitsky human rights accountability act: Scope, implementation, and considerations for congress". *Congressional Research Service*. R46981. <https://crsreports.congress.gov>.