



## **Tom Lantos Human Rights Commission**

# **The Global Magnitsky Human Rights Accountability Act: Taking Stock**

**Wednesday, March 24, 2021**

**12:30 – 2:00 p.m.**

**Virtual via Cisco WebEx**

### **As prepared for delivery**

Good afternoon. I am Congressman Jim McGovern, co-chair of the Tom Lantos Human Rights Commission, and it gives me great pleasure to welcome you to the Commission's first hearing of the 117<sup>th</sup> Congress.

I'd like to extend a special welcome to Senator Ben Cardin from the great state of Maryland who will be testifying on the first panel today.

Senator Cardin is one of the strongest human rights and anti-corruption advocates in the United States Congress, and a colleague and a friend.

We worked together to introduce the first Magnitsky sanctions bill, the Sergei Magnitsky Rule of Law Accountability Act, which became law in December 2012. Although its scope was limited to Russia instead of global as we wanted, it was a crucial first step.

After that success we continued to work together on what became the Global Magnitsky Human Rights Accountability Act of 2016.

Our purpose today is to discuss how that statute has worked in practice. So it's especially fitting that Senator Cardin is joining us.

To review, the Global Magnitsky Act authorizes the president of the United States to impose what are known as “Global Magnitsky sanctions” – denial of visas or entry to the U.S., and economic sanctions – on persons responsible for certain human rights violations or corruption.

Global Magnitsky was passed as part of the National Defense Authorization Act for Fiscal Year 2017 and signed into law by President Obama. A year later President Trump issued Executive Order 13818 to implement the Act and broaden its scope in terms of who could be sanctioned and for what.

We are living in partisan times. But Global Magnitsky sanctions have had broad bipartisan support from the beginning.

Congressman Chris Smith and I introduced the Global Magnitsky bill in the House in the 114<sup>th</sup> Congress and it went on to attract another 28 Republican and 39 Democratic cosponsors. Senator Cardin was joined by 4 Republicans and 4 other Democrats when he introduced in the Senate.

Members on both sides of the aisle have strongly urged the executive branch to use the sanctions. According to the Congressional Research Service, to date Global Magnitsky sanctions have been imposed on 127 individuals and 117 entities in around 30 countries. Just this week the U.S. designated two Chinese officials for their role in the brutal repression of ethnic minorities in the Xinjiang Uyghur Autonomous Region.

Many Members of Congress have added Magnitsky-style authorities to bills they introduced in response to specific situations or countries.

Global Magnitsky sanctions have strong support among human rights and civil society organizations in the U.S. and abroad. Non-governmental groups from around the world have worked together to identify people and entities who should be sanctioned and to build case files to submit to Treasury and State for consideration. My sense is that this kind of collaboration is something new, and that it has been both constructive and effective.

And we’ve seen that legislation modeled on the Global Magnitsky Act is under consideration or has been approved in a number of places, most recently the European Union.

I think it’s fair to say that the Global Magnitsky Act has been a pretty successful initiative.

But when the statute became law in 2016, it included a six-year sunset provision. That means Global Magnitsky sanctions will cease to be authorized by law at the end of 2022 unless Congress acts to reauthorize them.

Senators Cardin and Wicker have introduced [S. 93](#) in the Senate to reauthorize the sanctions, and I am working with Congressman Smith on a companion bill in the House. For this reason we have convened today's hearing.

In addition to Senator Cardin, we will hear from five distinguished witnesses who I will introduce shortly. They bring a wealth of experience as advocates for the use of sanctions and as former government officials charged with making the case to impose sanctions on designated persons.

The witnesses will share their reflections on:

- how Global Magnitsky sanctions have been used over the last four years;
- whether and under what conditions the sanctions have achieved their objectives;
- how Global Magnitsky sanctions relate to other efforts that share the goals of ending human rights abuses and corruption, building rule of law and fulfilling victims' rights; and
- what changes or adjustments to the statute, if any, Congress should consider as the reauthorization process moves forward.

I look forward to their recommendations.

One last point in closing.

There is a major debate underway about the use of sanctions in U.S. foreign policy. That debate is not driven by targeted sanctions programs like Global Magnitsky. It is a response to the big increase in the use of sectoral and secondary sanctions during the Trump administration.

Although the devastating humanitarian and foreign policy consequences of these types of sanctions need congressional attention, they are not the focus of this hearing.

But I do want to be clear that while I support the use of "smart" targeted sanctions, I strongly oppose sanctions that try to achieve political outcomes by imposing prolonged hardship on entire societies. They are immoral and they don't work.

I turn now to our witnesses.