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Testimony of Rob Berschinski
Senior Vice President for Policy

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“A U.S. Perspective on the EU Global Human Rights Sanctions Regime”

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Chairperson Arena and members of the subcommittee, it’s an honor to speak with you today.

Similar to the role played by the U.S. Congress in bringing the Global Magnitsky Human Rights Accountability Act to realization in the United States, in many respects it was the persistent voice of Members of the European Parliament who brought to fruition the EU’s Global Human Rights Sanctions Regime. For that I offer you my hearty congratulations.

My name is Rob Berschinski, and I’m the Senior Vice President for Policy at Human Rights First, a research and advocacy non-governmental organization (NGO) focused on ensuring that the U.S. government abides by its human rights obligations and protects the rights of others as a central component of its foreign policy.

Since shortly after the enactment of the Global Magnitsky Act in late 2016, we at Human Rights First have maintained a program by which we coordinate and work with hundreds of other human rights and anti-corruption-focused NGOs from all over the world. Together, we generate comprehensive, credible case files documenting alleged crimes covered under the Global Magnitsky Act that we then turn over to the U.S. and other governments with similar sanctions programs.

The theory motivating our work is that routine advocacy and report writing isn’t enough to maximize the chances that the U.S. government will sanction a given individual or entity involved in human rights violations.

So instead, we train and advise our partner organizations on how they can assemble the most credible, corroborated case files, in line with U.S. law. Given our close working relationship with the U.S. Departments of State and Treasury, over time we have built and refined a template that models the materials that these departments use for their sanctions determinations internally. By enabling our partners to supply information in this format, we try to make it as easy as possible for the U.S. government to take action in the most compelling cases.

So far, we've experienced rapid growth and achieved a positive success rate.

Since the Global Magnitsky Act became a reality just under four years ago, the U.S. government has used it to sanction a total of 246 individuals and entities, spanning actors in 34 different countries.

By our own internal statistics, roughly one-third of the sanctions designations made by the U.S. government under the Global Magnitsky program have related to work provided by members of our network.

Some of the more well-known examples of these designations in human rights cases include sanctions imposed against:

Leading perpetrators in Myanmar of mass atrocities against that country's Rohingya population;

Ramzan Kadyrov, the Head of Russia's Chechen Republic, as well as several associates and related entities, for involvement in the killing of Russian opposition leader Boris Nemtsov, as well as other extrajudicial killings and torture;

Seventeen Saudi Arabian officials for their involvement in the premeditated murder of Saudi dissident and U.S. resident Jamal Khashoggi; and

Several top-ranking Chinese officials, including Xinjiang Regional Party Secretary Chen Quanguo, the Xinjiang Public Security Bureau (XPSB), and the Xinjiang Production and Construction Corps (XPCC), for their involvement in human rights violations, now labeled as genocide by the U.S. government, committed against Uyghers and other minorities.

In sum, in the four years in which the Global Magnitsky Act has been in existence in the United States, it has clearly demonstrated its value as an effective and necessary tool of U.S. foreign policy in defense of human rights, and maintains strong support among leaders of both American political parties.

In that context, I can say with confidence that many in the United States welcomed the European Council's adoption of the EU's global human rights sanctions program.

Looking toward the future, I'd like to offer a few recommendations on how the U.S. experience could inform how the European Parliament can be most helpful in terms of implementation of this new regime.

First, an obvious but nevertheless important point: the tool needs to be used. The world, unfortunately, doesn't lack for instances in which the use of targeted human rights

sanctions would be justified. Yet political will can often be in short supply, particularly when a sanctions decision requires unanimity amongst Member States.

In the United States, members of congress have been key partners to our executive branch in urging the use of sanctions in appropriate cases. In your role as parliamentarians, I would encourage that you likewise continue to urge action in the most pressing and highest impact cases that are not addressed under other EU sanctions programs.

Second, on a related note, I'd recommend that you urge that Member States and the High Representative minimize selective use of this powerful tool. The efficacy of targeted human rights sanctions is closely tied to a perception of legitimacy. The Trump administration weakened the legitimacy of the Global Magnitsky program not only by its advancement of policies that undermined America's credibility, but also in those instances in which it clearly refrained from taking action in order to protect some of the world's worst human rights violators. Recognizing that foreign policy often involves hard decisions and trade-offs, EU leaders should therefore make every effort to use targeted sanctions based primarily on need and assessed impact.

Third, where possible, follow the money. The impact of targeted sanctions is notoriously difficult to quantify, in part because it can be measured in many ways, including diplomatic leverage that eludes easy analysis. But one obvious, critical element to achieving impact that should guide your thinking relates to identifying not only the most egregious human rights violations, but those cases in which the financial networks that support these violations can be rooted out.

Fourth, work with civil society. A key provision under the Global Magnitsky Act directs the U.S. President to "consider...information obtained by...nongovernmental organizations that monitor violations of human rights." This relationship, enshrined in law, has greatly benefitted the scope and efficacy of Global Magnitsky sanctions imposed to date. Given the EU Treaty's mandate for civil society consultation, I would urge that all of you likewise promote robust, substantive engagement with credible human rights organizations.

Fifth, push for information-sharing and multilateral action with likeminded governments. Sanctions are most effective, and seen as most legitimate, when implemented multilaterally. In passing its Global Human Rights Sanctions Regime, the EU joined a growing list of states with a human rights-based targeted sanctions program. To maximize the chances of multilateral designations moving forward, every effort should be made to share relevant information and harmonize action among these jurisdictions.

Finally, sixth, continue to urge work toward a global sanctions regime that addresses not just human rights abuses, but also acts of corruption. It's plain to see that systemic human rights violators frequently weaponize and benefit from corruption, and that widespread

corruption is frequently the lubricant on which repressive systems are maintained. Our collective diplomatic toolbox should reflect this reality.

With that I'll conclude. Thank you again for having me, and I look forward to answering your questions.