

# New EU Sanctioning Regime for Human Rights Violations around the World

**Thomas Wahl**

On 7 December 2020 – three days prior to International Human Rights Day – the General Affairs Council adopted the [EU Global Human Rights Sanctions Regime](#) (EUGHRSR). It is seen as a landmark initiative that underscores the EU's determination to enhance its role in addressing serious human rights violations and abuses worldwide. The regime consists of a Council Decision ((CFSP) 2020/1999) and a Council Regulation (1998/2020).

It enables the EU to list individuals and entities responsible for or involved in serious human rights violations or abuses as well as any individuals and entities associated with them. It can target state and non-state actors. Consequently, perpetrators and their associates can be banned from entering the EU, their assets in the EU frozen, and EU persons prohibited from making any funds and economic resources available to them.

The EU already has human rights sanctioning mechanisms in place; however, they are geographically limited in scope to individual countries. The EUGHRSR no longer needs a separate legal framework and Council decision for each country in order to add new persons or entities to an EU sanctions list.

More concretely, the EUGHRSR covers the following acts of human rights abuses:

- Genocide;
- Crimes against humanity;
- Torture and other cruel, inhuman, or degrading treatment or punishment;
- Slavery;
- Extrajudicial, summary, or arbitrary executions and killings;
- Enforced disappearance of persons, arbitrary arrests or detentions.

It also covers other acts, in so far as those violations or abuses are widespread, systematic or are otherwise of serious concern as regards the objectives of the common foreign and security policy set out in Art. 21 TEU. These can include the following:

- Trafficking in human beings;
- Abuses of human rights by migrant smugglers;
- Sexual violence and gender-based violence;
- Violations or abuses of freedom of peaceful assembly and of association;
- Violations or abuses of freedom of opinion and expression;

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- Violations or abuses of freedom of religion or belief.

The regulation does not mention corruption as a criterion for sanctions, although it was requested by the European Parliament and established in similar US legislation.

The High Representative of the European Union for Foreign Affairs and Security Policy and EU Member States can put forward proposals for listings. It is then for the Council to decide on these listings.

The EUGHRSR is an important EU policy tool for strengthening human rights and democracy in the EU's external actions, as set out in the EU Action Plan on Human Rights and Democracy 2020-2024 of 25 March 2020 (→ [eucrim 1/2020, 6-7](#)). The EUGHRSR is also dubbed the "European Magnitsky Act." *Sergey Magnitsky* was a Russian whistleblower who uncovered massive fraud involving corrupt officials. Following his death in prison in 2012 due to ill treatment by officials, the USA, as a forerunner, and other countries, e.g. Canada, the UK and Baltic states, adopted legislation that envisages the sanctioning of persons responsible for serious human rights violations and corruption all over the world. The US legislation, which served as a model for other countries, was called the "Global Magnitsky Act." It should be noted that the new EU legislation supplements but does not replace other sanctioning possibilities already in place, such as country-specific ones (see above).

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