Resolution on the EU Global Human Rights Sanctions Regime (EU Magnitsky Act)

2021/2563(RSP) - 08/07/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 584 votes to 73, with 33 abstentions, a resolution on the EU Global Human Rights Sanctions Regime (EU Magnitsky Act).

Parliament welcomed the adoption of the EU Global Human Rights Sanctions Regime (EU GHRSR) which strengthens the EU's role as a global human rights actor by allowing it to take restrictive measures against legal and natural persons involved in serious human rights violations everywhere in the world. However, it stressed that the new regime must form part of a broader, coherent and clearly defined strategy that takes account of the EU's foreign policy objectives.

Parliament also regretted that the Council has decided to apply unanimity instead of qualified majority voting when adopting the new regime and reiterated its call for the introduction of qualified majority voting for the adoption of sanctions under the scope of the EU GHRSR.

The resolution called on the Commission to come forward with a legislative proposal to amend the current EU GHRSR legislation by extending its scope to include acts of corruption. The European External Action Service (EEAS) and the Member States are urged to employ flexibility in adapting it to emerging challenges and threats to human rights or abuse of state or emergency powers, including those related to COVID-19 restrictions or violence against human rights defenders.

Coherent strategy

Parliament recalled the need for a unified and coherent strategy to implement the EU sanction regimes. Coherence should be ensured between the EU GHRSR and the EU's external policies, in particular with its human rights and democracy support policies, as well as the common foreign and security policy (CFSP) and common security and defence policy (CSDP). Moreover, consistency is needed between the EU sanction regimes and international criminal law, international humanitarian law and the EU policies related to the rule of law and fundamental freedoms.

Underlining the importance of ensuring that the regime also targets economic and financial enablers of human rights abusers and to the same extent, Parliament called on the EU and its Member States to draw on the UK legislative proposal for Global Anti-Corruption Sanctions Regulations or the US Global Magnitsky Act or the Canadian Justice for Victims of Corrupt Foreign Officials Act, or other similar regimes, and adopt an EU anti-corruption sanctions regime in order to complement the EU GHRSR.

All Member States are urged to interpret the application and enforcement of sanctions in the same consistent and swift manner. The Commission should ensure that national penalties for breaching EU sanctions are effective, proportionate and dissuasive; considers that a failure to take appropriate measures in situations marked by persistent human rights violations would undermine the EU's human rights strategy, sanctions policy and credibility. Parliament is of the opinion that a centralised oversight mechanism on implementation and compliance is necessary to ensure stronger sanctions enforcement.

European and parliamentary oversight

The Commission and the Member States are urged to increase cooperation and information sharing and called for a strengthened European oversight and enforcement mechanism. Parliament called on the

Council to regularly update the companies on the sanction lists, as the companies listed tend to use legal loopholes and find other creative solutions in order to avoid being under sanctions.

Regretting that Parliament has no institutional role in the process, the resolution called for parliamentary oversight of the EU GHRSR and an enhanced role for Parliament in proposing cases of serious human rights violations, in order to increase the legitimacy of the EU GHRSR. It also called for the establishment of a dedicated Parliamentary Working Group to scrutinise the implementation of the sanctions regime.

Adequate resources

Parliament stressed that targeted sanctions must aim at achieving effective and lasting results. In this regard, it called on the Commission, the EEAS and the Member States to dedicate adequate resources and expertise to enforcing and regularly monitoring the impact of the EU GHRSR, and to monitor listings and de-listings closely.