

Rep. James P. McGovern (D-MA)
Remarks – USCIRF Hearing – Targeted Sanctions: Implications for Religious Freedom
October 27, 2021 @ 10:00 a.m.

As prepared for delivery

Good morning.

I would like to thank the U.S. Commission on International Religious Freedom for holding this hearing today, and for the invitation to say a few words on targeted sanctions as a tool to promote and protect the fundamental human right to freedom of thought, conscience, and religion.

As the author of the very first Magnitsky sanctions bill introduced in the House¹, I have long believed that individuals responsible for serious violations of human rights should be held accountable.

If countries fail in their obligation to investigate and prosecute human rights abusers – if authorities are unable or unwilling to do their duty – it falls to others of us to do what we can to make sure that perpetrators bear a cost for their actions.

As a member of the U.S. Congress, what I can do is try to ensure that, at a minimum, human rights violators cannot enjoy the bounty of the United States while they are getting away with human rights abuses abroad.

That’s the idea behind targeted sanctions in general, and the Magnitsky sanctions in particular. These sanctions can prevent those who commit human rights abuses from traveling to the United States or doing business here.

They may not end up in jail, but they are exposed as violators of human rights before the world.

Most people listening today probably know that I am a progressive Democrat. There were not many things that former President Trump did that I agreed with.

But I did agree with his decision to issue Executive Order 13818 in December 2017, to authorize the imposition of sanctions on any foreign person responsible for or complicit in serious human rights abuse or corruption.

E.O. 13818 drew on and broadened the scope of the Global Magnitsky Human Rights Accountability Act that Congress had passed in 2016.

¹ H.R. 6365, introduced on September 29, 2010, during the 111th Congress.

By authorizing sanctions for serious human rights abuse, the E.O. made it possible for Treasury and State to name and shame individuals or entities, like corporations, who violated a wide variety of rights, including the right to freedom of thought.

This was a good thing.

Among those sanctioned under Global Magnitsky in 2020 were six Chinese officials responsible for serious human rights abuses against Uyghurs in Xinjiang. This is an example of the use of the law to sanction the violation of the right to religious freedom and related rights.

The Global Magnitsky statute we passed in 2016 sunsets at the end of 2022. We've been working on both sides of Congress to reauthorize it, with some adjustments.

One of those adjustments is to write the "serious human rights abuse" standard that's in the Executive Order into the law.

Another is to remove the sunset altogether.

In the House we passed the reauthorization with these changes this summer as part of the National Defense Authorization Act.

If these changes advance in the Senate as well, we'll succeed in making Global Magnitsky permanent. And we'll ensure it can be used to sanction those who abuse the right to religious freedom, among many other rights.

Global Magnitsky has proven to be a powerful and popular foreign policy tool. But as we think about increasing its use to protect religious freedom, it's important to remember that it is one tool in the toolkit.

We know that targeted sanctions are most effective when they are used hand-in-hand with diplomacy, when foreign assistance is also used as an incentive, and when we keep up the pressure for full accountability.

That is why the House reauthorization includes two new requirements for reports on what the president is doing, first, to address the underlying causes of human rights abuses, and second, to ensure that perpetrators are brought to justice.

We also know that sanctions and addressing human rights abuses are most effective when nations join together in common purpose and when U.S. diplomacy advances coordinated, collaborative, multilateral actions.

Sanctions are important, but they are not enough.

Thank you again for the opportunity to speak this morning. I look forward to continuing to work with USCIRF on behalf of victims of human rights violations around the world.