

Sen. Ben Cardin

Remarks – USCIRF Hearing – Targeted Sanctions: Implications for Religious Freedom

October 27, 2021

Remarks as delivered

Madam Chair, first of all, thank you so much for your leadership at the U.S. Commission on International Religious Freedom.

The work that you're doing is so critically important to advancing American values and global values on human rights, and it's good to be here with my colleagues. Senator Wicker and I--a Republican, a Democrat--are the leaders on the Helsinki Commission, and we've been working together to advance human rights, and it's good to be here with Congressmen McGovern and Smith, two of our champions on these issues.

We have worked together in regards to targeted sanctions, the Magnitsky statutes, et cetera, that is the subject matter of your hearing today.

One of the most important tools to hold human rights abusers accountable are those that we have passed that provide for targeted sanctions, the Magnitsky sanctions.

So let me just go back a little bit and talk about the history because I started on this shortly after I was elected to the United States Senate, and we had the tragic episode of Sergei Magnitsky, a lawyer in Russia, representing an interest of a company that discovered during his representation that the government officials had participated in widespread corruption.

He did what any lawyer is required to do: he reported it to the authorities. As a result, he was arrested, tortured, and killed.

We took up that cause. We know that's not an isolated episode in Russia, but we had a person, a face that we could put with these abuses, and we were determined to take action.

And as a result, it wasn't easy. We had some resistance from passing targeted sanctions, but we were able to get it done, and I really want to acknowledge the incredible help I got from the late Senator McCain. He was one of our real champions on this issue. We miss his presence in fighting for global human rights.

We were able to get initially a bill passed that provided targeted sanctions for those abusers of Sergei Magnitsky's rights. We always wanted to make it a global bill, applied to all abusers. And when we had that opportunity, we passed the Global Magnitsky's Law. We got it included in the National Defense Authorization Act.

Again, Senator McCain played a huge role in this. Senator Wicker was my co-lead--we led the effort here, and Congressmen McGovern and Smith in the House took up the cause in the House, and we worked bipartisan, bicameral to get the Global Magnitsky Law passed. Now we need to make sure it's reauthorized and made permanent.

Those who violate religious freedom, it's just indicative of so many other abuses that occur in that country. If you want to look at widespread human rights abuses, a decline of democratic institutions, they all go together so we really need to stand up for religious freedom for the sake of those individuals who

are being persecuted. But it also is indicative of the lack of rights in that country for the basic protection of their population.

And I must tell you the Magnitsky sanctions have become really the gold standard for dealing with human rights abusers. The advocacy community, the human rights defenders, they know Magnitsky. They know how important it is in their work to try to protect human rights in their country.

But the abusers also know how important the statute is. We know it was one of the first issues mentioned during the summit between President Putin and Trump. We know that individuals do not want to get on that list. They don't want to be named and shamed. We know that they want to do banking in the West. They want to take their corrupt resources that they've gotten and transfer to the Western powers where they're protected.

We also know they like to visit their properties in our country so when we restrict their visas and their banking privileges, it really hurts.

So, the Magnitsky sanctions have played a critical role in advancing the protections for all human rights, including religious freedom.

U.S. leadership is critically important. As a result of our leadership, we were able to get other countries to act. We've seen the UK and Canada, and now EU, pass similar sanction laws.

Now what do we need to do? Let me just briefly give you an agenda. We need to reauthorize to make permanent the Global Magnitsky, and you've already referred to that, Madam Chair.

We need to take the Executive Order 13818 and make that statutory and permanent. We need to include in the Magnitsky sanctions those who materially assist the enablers. Sometimes we forget that the abusers can't carry out their use of corrupt funds and their activities without having lawyers and accountants and financial advisers that assist.

They take the dirty money and assist the abusers. We need to include the enablers in the sanctions.

We need to expand the Global Magnitsky to more countries. We know today Australia, Japan and Taiwan are all considering Global Magnitsky type sanctions. We need to encourage them to adopt that.

We need to make these sanction laws comprehensive. Yes, we're pleased that the EU adopted a similar sanction regime as Magnitsky. The problem is it does not include corruption. Corruption is the fuel for all these activities. Whether they're violations of religious freedom or abusive practices, it's the corrupt resources that are fueling these activities.

As President Biden recently said, corruption is a national, core national security concern. So, we need to make sure corruption is included.

And, lastly, let me just point out two bills that we're working very aggressively. The House has already taken action on these in the National Defense Authorization Act. That is not only making the Magnitsky statute global, but also passing the Combating Global Corruption Act, which would establish a tiered rating system for how well all countries are doing in fighting corruption--again, the fuel for a lot of these activities.

And those that are on the lowest tier that are not taking steps to pass and enact meaningful anti-corruption standards would be subject to certain restrictions in our bilateral relationships.

I've also introduced with Senator Wicker the CROOK Act, which gives us the resources to be able to move quickly when we have opportunities in countries by taking the funds from the Corrupt Practices Act and using that to advance human rights.

The bottom line is no oligarch, no crony should be able to escape sanctions because they're too big. We need to be able to act with unity in the international community to advance the protections of human dignity. Human dignity is a critical part of saving our democratic societies.

So, once again, I want to thank you for your leadership in advancing religious freedom and human rights and holding this discussion today.