

# Magnitsky Act: An International Political Accountability Tool Against The Violation Of Human Rights

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## **Abstract:**

*This article analyzes how the variations of the Magnitsky Human Rights Accountability Act, adopted by different states, represents a landmark instrument in the intersection of international law and human rights protection. This article examines the Act's extraterritorial reach, focusing on its implications for both foreign and domestic actors implicated in human rights violations and corruption. By analyzing the legal framework established under the Act, including the States' capacity to impose sanctions on individuals and entities beyond its borders, the study highlights the tensions between state sovereignty and global human rights enforcement. The discussion emphasizes the Act's role as a tool for promoting accountability, while also interrogating its implications for international law, diplomatic relations, and the broader perspective of transnational justice.*

**Keywords:** Human Rights Protection, Sovereignty, Jurisdiction, Extraterritoriality

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## **I. Introduction**

The enforcement of human rights norms in the international arena has long been set back by political constraints, jurisdictional limitations and the hindrance of multilateral mechanisms. In this context, Magnitsky legislation has emerged as an accountability instrument, enabling states to impose targeted sanctions, including asset freezes, transaction prohibitions, and travel bans, on foreign individuals implicated in serious human rights violations or significant acts of corruption. Unlike comprehensive sanctions that affect entire economies, these measures are individualized, aiming to penalize perpetrators without inflicting collateral harm on the broader population (Calingaert, 2015).

The origin of these laws traces back to the 2009 death of Russian tax lawyer Sergei Magnitsky, who, while representing Hermitage Capital Management, uncovered a large-scale tax fraud scheme allegedly involving high-ranking state officials. Arrested in 2008 and subjected to prolonged pretrial detention, Magnitsky died under suspicious circumstances, reportedly after being denied adequate medical treatment. His death prompted sustained advocacy by Hermitage's founder, Bill Browder, resulting in the Sergei Magnitsky Rule of Law Accountability Act of 2012 in the United States. This law was subsequently expanded through the Global Magnitsky Human Rights Accountability Act of 2016, extending its reach beyond Russia to offenders worldwide (European Parliamentary Research Service, 2021).

The Global Magnitsky Act has had a substantial impact on the promotion of human rights and accountability on a worldwide scale (Prewitt, 2024). By publicly designating individuals as human rights violators and reinforcing international norms of accountability, it was established as a precise tool against transgressions, aiming for the enforcement of the Human Rights protection. Thus, having a wider breadth of action, would signify a lower predisposition to committing violations, as the targets could reconsider their course of action in order to reverse the sanctions.

Within this frame of reference, the adoption of Magnitsky-style legislation by other jurisdictions, such as Canada and the European Union reflects the increasing reliance on unilateral but coordinated sanctions as tools of foreign policy and transnational justice (European Union, 2021). Therefore, proponents argue that these measures strengthen deterrence by directly targeting the economic interests and international mobility of individuals who would otherwise be shielded by domestic impunity. Critics, however, highlight the risks of politicization, selective application, and limited enforceability.

Furthermore, the human rights protection approach lies in the tension between state sovereignty and the need to address cross-border violations. Universal and transnational paradigms seek broader enforcement for global issues like human rights violations and accountability regarding corruption. Together, these developments

signal a shift toward expanding jurisdiction to enhance effective human rights protection beyond borders (Palombo, 2022).

Hence, this article examines the Magnitsky framework as an emerging accountability mechanism, situating it within the broader debates on targeted sanctions, extraterritorial jurisdiction, and the interplay between state sovereignty and human rights protection, as well as compare the United States, Canada, and European Union approaches. By combining legal analysis and policy evaluation, the discussion seeks to assess the normative justifications, operational effectiveness, and potential future trajectories of Magnitsky laws in global governance.

## II. Targeted Sanctions Of The Magnitsky Acts And Its Implications

The Magnitsky Act's targeted sanctions are designed to specifically punish individuals and entities involved in serious human rights violations or large-scale corruption rather than imposing broad economic penalties on entire nations. Hence, these sanctions primarily take the form of asset freezes and travel bans, effectively restricting perpetrators from accessing the U.S. financial system and entering U.S. territory. Therefore, by focusing on individual accountability, the Act seeks to avoid harming local populations while exerting pressure on key decision-makers and power holders implicated in infringements (Maxence, 2020).

In this context, these targeted sanctions operate within a strategic framework aimed at deterrence and signaling. By publicly naming sanctioned individuals, the Act increases reputational costs and isolates them diplomatically and financially on the global stage. This approach strengthens transnational cooperation, as other jurisdictions, such as the European Union, the United Kingdom, and Canada, have adopted similar mechanisms. Thus, the Magnitsky Act's innovation lies in personalizing accountability while aligning economic, political, and moral tools to combat impunity for human rights violations and corruption (Maxence, 2020).

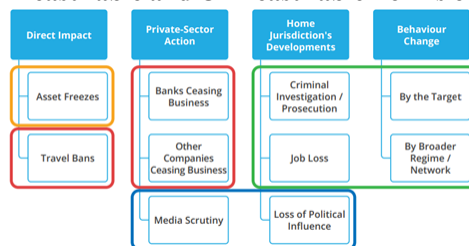
The subsequent 2017 Global Magnitsky Act authorizes the President to sanction any individual who is responsible for extrajudicial killings, torture, or other gross violations of internationally recognised human rights, or is a foreign government official responsible for acts of significant corruption. Executive Order 13,818 broadens the standard of behavior for sanctionable persons to those determined "to be responsible for or complicit in, or to have directly or indirectly engaged in, serious human rights abuse." The executive order also refers to "corruption" rather than "acts of significant corruption" (Djankov & Su, 2024).

Thus, the Magnitsky sanctions are a policy tool designed to impose targeted restrictions on individuals and entities responsible for human rights abuses and significant corruption. This approach reflects a shift in international accountability mechanisms, aiming to pressure powerful elites while minimizing collateral damage to civilian populations. Furthermore, these sanctions carry symbolic and political weight beyond their immediate economic effects. By acting as a reputational accountability mechanism, Magnitsky sanctions enhance reputational costs, limit perpetrators' access to the global financial system, and signal an international consensus against impunity (Kerr; Sexton, 2022).

Moreover, the Executive Order (EO) 13818, which implements the Global Magnitsky Act, empowers the U.S. government to impose sanctions on any individual or entity, foreign or domestic, as determined by the Secretary of the Treasury in consultation with the Secretary of State and the Attorney General. These sanctions apply to those who provide significant financial, material, or technological assistance to foreign actors involved in human rights violations or corruption, as well as to entities, including governmental institutions, engaged in such activities. Additionally, individuals or organizations that own, control, or act on behalf of sanctioned persons or entities, directly or indirectly, may also be subject to asset freezes and other restrictive measures (Human Rights First, 2020).

Hence, the Magnitsky Act and its global extension significantly faces key challenges, such as difficulties in evidence collection, differences in legal frameworks, and accusations of selective application. Additionally, some countries, notably Russia and China, view the Act as an infringement on state sovereignty and a tool for U.S. geopolitical influence, complicating diplomatic relations. To enhance its effectiveness, it would be necessary to improve multilateral coordination, ensure consistent and impartial application, and increase transparency in sanctions to strengthen its legitimacy and global impact (Prewitt, 2024).

**Table Measurable and Unmeasurable Forms of Impact**



Source: Moisenko; Musni; Van Der Merwe, 2023

Here, the analysis of the table's content follows: as Direct Impact of the sanctioning state's actions, it signifies asset freezes and travel bans; Private-sector action means that the financial institutions abroad will cease business with the targeted individual despite the absence of a legal obligation to do so, also other companies will act in a similar manner, in addition to increase media scrutiny as an outcome of sanctions. As Developments in the home jurisdiction, it signifies that a criminal investigation or prosecution of the targeted individual will occur, as well as other disciplinary consequences, and also loss of the targeted individual's political influence. As Behaviour change, it stands for the change of the targeted individual, regime or elite network in the referring jurisdiction (Moisenko; Musni; Van Der Merwe, 2023).

However, these sanctions extend beyond economic consequences, carrying meaningful symbolic and reputational effects. Kerr and Sexton (2022) argue that by engaging in public attribution and restriction, the U.S. leverages international visibility to isolate the targets diplomatically, and limit their access to the global financial system. Yet, as Dumas (2020) notes, the overall effectiveness of the Magnitsky framework depends heavily on multilateral coordination; without broader international affiliation, the impact of U.S. sanctions remains limited. Consequently, while the Magnitsky Act represents a major advancement in personalized accountability, its implementation continues to raise debates regarding selectivity, transparency, and enforcement challenges within global human rights governance.

Thus, their effectiveness depends on multilateral cooperation, as isolated sanctions may have limited impact without broader international alignment, in addition to the critical challenges in enforcement and consistency. While the Magnitsky framework promotes individual accountability, gaps remain in evidence collection, transparency, and the political motivations behind sanctioning decisions. These limitations raise concerns about selectivity and double standards in implementation. Consequently, the sanctions represent both a significant advancement in human rights enforcement and a source of ongoing debate regarding their legitimacy, scope, and long-term effectiveness (Kerr; Sexton, 2022).

### **III. Comparison Between The Magnitsky Programs Of United States, Canada And European Union**

Ultimately, in the United States, the Act expanded its soft power and reshaped global norms on accountability but also intensified frictions with key economic and geopolitical partners, the Act enhanced the U.S.'s ability to exert economic and diplomatic pressure without harming entire populations. It also reinforced America's image as a global defender of human rights, increasing its influence in international governance and facilitating closer alignment with allies who later adopted similar frameworks, such as Canada, the U.K., and the EU (Moisenko; Musni; Van Der Merwe, 2023).

On the other hand, the Act's adoption also produced strategic and geopolitical consequences, because, as it enables Washington to sanction powerful figures in countries like Russia, China, Saudi Arabia, and Myanmar, it has been perceived by targeted states as a politicized tool. Additionally, while it gives the U.S. significant leverage, it also obliges the government to navigate complex trade-offs between human rights advocacy and economic or security interests. Consequently, enforcement has been selective and sometimes inconsistent, reflecting broader strategic priorities rather than purely legal criteria (Moisenko; Musni; Van Der Merwe, 2023).

According to the International Justice & Human Rights Clinic (2022) it is in the Canadian government's interest to ensure that torture and other prohibited forms of ill treatment will not go unnoticed or unpunished. The adoption of the Justice for Victims of Corrupt Foreign Officials Act had significant symbolic and geopolitical implications as it positioned Canada as a global advocate for human rights and allowed the government to impose targeted sanctions on foreign officials involved in corruption or gross human rights violations. It sent a strong message to the international community that Canada was committed to holding perpetrators accountable, even beyond its borders. Moreover, the law aligned Canada with key allies like the U.S. and U.K., strengthening its reputation as a supporter of multilateral efforts to combat impunity (Lilly; Arabi, 2020).

Nevertheless, the Act also carried strategic and diplomatic consequences. While it expanded Canada's legal toolkit, its use has been limited and politically sensitive, especially in cases involving major trade partners such as China and Russia. The government faced a balancing act between human rights advocacy and economic interests, as applying sanctions could strain diplomatic relations and undermine Canadian business abroad. Over time, Canada has increasingly relied on geographically targeted sanctions frameworks instead of the Magnitsky list, reflecting a cautious approach aimed at avoiding economic retaliation while still preserving its international credibility on human rights issues (Lilly; Arabi, 2020).

The establishment of the EU Global Human Rights Sanctions Regime (EUGHRSR) marked a significant shift in the European Union's approach to addressing serious human rights violations worldwide. For the first time, the EU adopted a legal framework enabling targeted sanctions against individuals and entities responsible for crimes like torture, extrajudicial killings, slavery, and systematic repression. This framework aligned the EU with partners such as the U.S., U.K., and Canada, enhancing its credibility as a global human rights actor and

strengthening transatlantic cooperation. By adopting this regime, the EU gained more flexibility to respond swiftly to violations beyond its borders without relying on geographically limited sanctions (Eckes, 2022).

Yet, the adoption of the regime also revealed institutional and political constraints. Unlike the U.S., the EU requires unanimous approval from all 27 member states for sanctions, which limits its speed and scope and exposes the process to geopolitical bargaining. Some states are hesitant to impose sanctions against influential actors like Russia or China due to economic dependencies, which has led to selective enforcement and fewer listings compared to other jurisdictions. As a result, its effectiveness remains tied to member state cohesion and the political will to prioritize human rights over strategic and economic interests (Eckes, 2022).

Thus, despite the advantages of global human rights sanctions, many Western-aligned countries have been slow to adopt them. For example, in 2021, Australia supported the joint Western initiative on Uighur human rights but didn't participate because it lacked the legal tools to sanction China. Although the government committed to creating a global sanctions framework later the same year, analysts suggest some officials were initially hesitant to follow parliament's recommendation, fearing it would make sanctioning China unavoidable and harm economic relations. Similarly, experts note that Japan is also cautious, with lawmakers pushing for a Japanese Magnitsky-style law while the government remains reluctant (European Union, 2021).

Table Comparative Overview of the Magnitsky Act

<b>Comparative Overview</b> Magnitsky Act			
	U.S.	CANADA	EU
Year adopted	2016	2017	2020
Designations	320+	70 (Magnitsky list) + 111 via other laws	19
Covers corruption?	Yes	Yes	No
Scope	Global	Mostly geographic since 2018	Limited
Key Targets	China, Russia, Myanmar, Saudi Arabia, Belarus	Belarus, China, Nicaragua, Russia	China, Belarus, Russia
Approval process	U.S. Treasury & Congress	Executive-led	Requires unanimity of 27 states
NGO input	Explicitly considered	Informal	Informal

Source: Table made by the author based on data provided by the European Union (2021)

The table compares the adoption of the Magnitsky Act and its variation, according to the level of commitment presented by each State. The U.S., being the precursor of the Act, has more than 320 designations, against 70 from Canada and 19 from the European Union. Also, Although in the U.S. and Canada it covers corruption, the same does not occurs in the EU. As for the range, the U.S. has global scope, while Canada's is mostly geographic and the EU is limited; the only key targets they have in common being China and Belarus. Concerning the approval process, in the U.S. processing takes place in U.S. Tresury and Congress, in Canada it goes through the Prime Minister and the Cabinet (executive-led) and in the EU it has to be approved by unanimity by all 27 States.

According to Spero, Lyu and Henderson (2025), the political will to implement and maintain these sanction varies, as some parties are hesitant to establish sanctions. Thus, since the relations among States differ according to geography, financial interests and diplomatic engagements, as they may repercute negatively in the economy and also cause rifts in the diplomatic relations, the willingness to pursue the establishment of the Sanctions differ, generating an uneven global system, having low integration, as they hardly agree about the targets.

#### IV. The Extraterritorial Jurisdiction And The Interplay Between State Sovereignty And Human Rights Protection

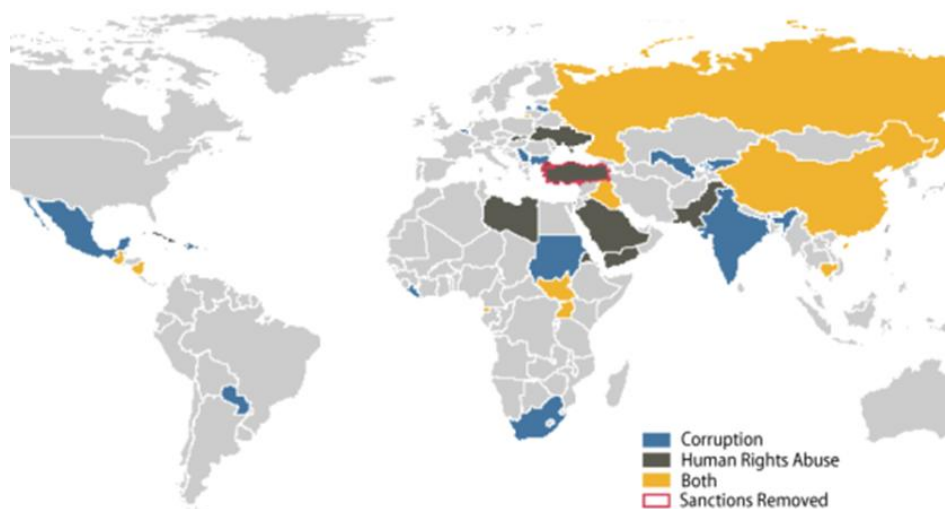
State sovereignty refers to the principle established in international law that each nation-state has the right to self-determination, territorial integrity, and protection from external interference. Codified primarily in

the UN Charter, this principle prohibits using force against a state's political independence or borders. However, a shift in global norms occurred after the second World War; when a state violates individual human rights, the protection of individuals takes precedence over state sovereignty, legitimizing humanitarian military intervention under frameworks like the UN Charter Chapter VII and the Responsibility to Protect (R2P) doctrine (Gerhards; Antoine; Ollroge, 2024).

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out (Paragraph 139 on the Responsibility to Protect, 2005).

In this context, the Magnitsky Act reflects a similar normative shift through the exercise of extraterritorial jurisdiction. By authorizing targeted sanctions against foreign officials and entities involved in corruption or infringement of human rights, regardless of the place of occurrence, the Act challenges traditional notions of sovereignty and asserts that such violations are of global concern. While differing from military humanitarian interventions by employing financial and travel restrictions rather than force, the Magnitsky framework embodies the same broader trend identified by Gerhards, Antoine and Ollroge (2024): the redefinition of sovereignty in favor of enforcing universal human rights standards beyond national borders.

Therefore, a discussion arises regarding the classic notions of international politics, as the supranational aspect of accords, treaties and organizations changes the nature of the relationship between nations. Jurisdiction is mainly territorial, so an extraterritorial quality is added to the Magnitsky Act, which is mainly perceived as an unilateral action, since it does not rely on multilateral treaties. According to Jia (2023), concerning the Eu Global Human Rights Sanctions Regime, it becomes clear that the major jurisdictions, including the EU, the UK, the US and Australia, all have explicitly designated government organs, as opposed to individual officials, as targets of their sanctions.



**Nationalities of Individuals Designated for Economic Sanctions Under E.O. 13818 (Weber, 2021).**

Here, the map exhibits the nationalities of individuals under the Magnitsky sanctions. The States colored in blue in the map, Mexico, Nicaragua, Venezuela, Guatemala, South Africa, Equatorial-Guinea, Laos and Cambodia, were sanctioned for corruption; as for the ones in dark grey, Syria, Sudan, Libya, Democratic Republic of Congo, Belarus, were sanctioned for Human Rights Abuses; as for the ones in orange, China, Myanmar, Kazakhstan, Uzbekistan, Turkmenistan, Tajikistan, Kyrgyzstan, Saudi Arabia, United Arab Emirates (UAE), Bahrain and Uganda, they were sanctioned for both corruption and human rights violations; as for the one outlined in red, Turkey, it was the only one which sanctions were removed.

Within this context, in international law, it is an essential aspect of sovereignty that all states should have supreme control over their internal affairs (Nuñez, 2024). Yet, concerning the relation among countries, especially regarding the constant shifts in the global system, in which the treaties already have a supranational aspect, this concept is diluted in agreements. Therefore, the fact that these States pointed out in the previous map are not all signatories to treaties or conventions, highlights that the discussions about this subject are extensive.

Also, in matters pertaining to the individual's life, in most countries, any person has autonomy and privacy within the perimeter of their house; they are somewhat sovereign in their own house, yet Police can enter without a warrant if exigent circumstances make getting one impractical, such as: preventing imminent bodily harm or death, preventing destruction of evidence, or when someone fleeing enters the home (Pue, 2007). The same logic may be applied in the global context concerning human rights violations. Every State is Sovereign until law is infringed and lives are endangered.

No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent (Article 5(2) of the International Covenant on Civil and Political Rights, 1966).

In this context, human rights protection serves a crucial function, being the reason why those sanctions were primarily established. According to Palombo (2022), most international human rights treaties include a jurisdictional clause requiring signatory states to apply human rights law to persons within or subject to their jurisdiction, being an exception to this rule, the Convention on the Elimination of all Forms of Discrimination against Women, the African Charter on Human and People's Rights, the International Covenant on Economic, Social and Cultural Rights, and the American Declaration of the Rights and Duties of Man. Therefore, both the rules and the exceptions give the necessary legal framework for the incorporation of the Magnitsky Act, as its objective rely on the latter.

## **V. Conclusion**

The Magnitsky Acts mark a pivotal shift in the enforcement of human rights by enabling states to impose targeted sanctions against perpetrators regardless of geographic borders. These measures redefine traditional jurisdictional boundaries, offering an innovative response to violations involving state and non-state actors. By extending sanctioning powers beyond traditional territorial limitations, these measures provide states with broader tools to impose targeted restrictions on individuals and entities, regardless of nationality. Hence, the Act is lawful, based on the international legal framework and the rules and exceptions for the applicability of the jurisdictional aspect of the treaties concerning human rights protection.

However, their growing reliance also exposes structural tensions between national sovereignty, international cooperation, and the fragmented nature of global governance. While effective in promoting accountability, the Acts' long-term success depends on fostering greater transnational coordination and harmonizing legal frameworks to prevent conflicts between unilateral sanctions and multilateral norms. The tension lies in balancing the need for global accountability with respect for principles of non-intervention and mutual recognition of jurisdictional boundaries, resulting in a constant negotiation between legal norms and political interests.

Similarly, the financial consequences of these sanctions are significant as targeted individuals and entities often face asset freezes, restrictions on international banking access, and limitations on participation in global markets, producing both punitive and deterrent effects. Thus, such measures may indirectly pressure domestic economies and financial systems, particularly in countries heavily dependent on cross-border transactions. Literature points to the increasing interconnection between financial regulation and human rights enforcement, indicating a strategic shift where economic tools serve as instruments of global governance.

Additionally, the Magnitsky framework reflects broader transformations in international cooperation. The adoption of similar sanctioning regimes by the United States, the European Union, Canada, and other jurisdictions signals a move toward a coordinated transnational paradigm for combating impunity. However, disparities in legal frameworks, evidentiary standards, and political motivations complicate enforcement consistency. This divergence underscores the need for stronger international alignment to ensure that accountability mechanisms remain effective to geopolitical instrumentalization.

In sum, the Magnitsky Acts mark a critical turning point in the intersection between human rights, financial regulation, and state sovereignty. While their contribution to promoting accountability is undeniable, unresolved jurisdictional conflicts, uneven global implementation, and potential economic repercussions highlight the necessity of refining these mechanisms. Future debates must focus on establishing clearer procedural safeguards, harmonizing international practices, and balancing national interests with collective responsibilities. Only through such integration can the objectives of justice, deterrence, and protection of human rights be effectively achieved on a global scale, signaling the need for adaptive legal responses in an increasingly interconnected world.

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