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THE “MAGNITSKY” LEGISLATION AND THE IMPOSITION OF INDIVIDUAL SANCTIONS TO FIGHT CORRUPTION AND HUMAN RIGHTS VIOLATIONS

Corruption is perceived by the International Community as a serious phenomenon that can hinder the respect of the rule of law and of human rights. In this framework, some States have passed a legislation that allows the adoption of individual sanctions to react to it: the “Magnitsky legislation”. It was adopted for the first time in the USA but it is now also in use in some European Countries. The EU institutions also developed a proposal for the creation of such a regime alongside the current system of individual sanctions aimed at individuals who violate human rights or misappropriate public funds. The paper develops an in-depth analysis of the different characteristics of these regimes to underline the “innovation” introduced by the American system (and followed by some Countries but not by the EU initiative) and their relationship with international human rights law.