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**HUMAN RIGHTS IN RUSSIA: THE IMPACT OF ECONOMIC SANCTIONS AND
GLOBALIZATION**

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Abstract

The Sergei Magnitsky Rule of Law Accountability Act of 2012 was designed as a means of punishing individuals and entities who violate human rights, participate in systematic corruption, and fail to uphold the rule of law in Russia. In theory, the Magnitsky Act should improve human rights yet in practice, the economic sanctions and travel bans imposed by the act have done nothing of the sort. Human rights, systematic corruption, and the relationship between the U.S. and Russia have not improved in the years since the implementation of the Magnitsky Act. Instead, all three of these phenomena have declined to unacceptable levels. While it may be too hasty to imply direct causation between the Magnitsky Act of 2012 and the troubling Russo-American relationship that exists today, it is more than fair to suggest that the act has served as one of the dominoes in the line leading to today's volatile international conflict. The overarching phenomenon that has led to both the Magnitsky Act and the deteriorating Russo-American relationship is globalization; a process that has favored the spread of Western practices and ideologies at the cost of those more traditional to Eastern nations. Analyzing the Russo-American relationship from the context of globalization helps to explain why U.S. efforts have been unsuccessful in improving human rights conditions in Russia.

Keywords: Human rights, Russia, United States, Globalization, Economic sanctions

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BACKGROUND

In 2008, a Russian lawyer named Sergei Magnitsky uncovered one of the largest corruption schemes in Russian history. According to testimony from Bill Browder, CEO of Hermitage Capital Management where Magnitsky worked, officers from Russia's Interior Ministry conducted a raid of Hermitage in 2007, taking boxes full of documents and records. Shortly thereafter, members of the Ministry as well as tax-officials, police officers, and other professional criminals reinstated closed companies with forged contracts allegedly proving that Hermitage was owed a \$230 million tax refund. Russian tax officials immediately approved the request, distributing the refund not to Hermitage itself, but to the conspirators (The Magnitsky Act at Five Years, 2017).

Upon discovering this operation, Magnitsky reported his findings and was asked to testify in front of Russian State Investigators. He was then arrested and accused of having committed the fraud himself. Magnitsky spent over a year in the Matrosskaya Tishina pretrial detention facility in Moscow, where he was subjected to torturous and neglectful conditions and where he later died after being denied medical treatment for more than an hour after being beaten with rubber batons by prison guards.

After learning of the unlawful arrest and detention of Sergei Magnitsky, Bill Browder began to lobby for U.S legislative action against those responsible for the arrest, detention, abuse, and false accusations against the deceased. Browder brought the case before Senators Benjamin Cardin and John McCain who initiated the policy proposal. In April 2012, the House Committee on Foreign Affairs unanimously passed the bill entitled the Sergei Magnitsky Rule of Law Accountability Act (2012) (H.R. 4405). The purpose of this act was "to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, and for other gross

violations of human rights in the Russian Federation” (Sergei Magnitsky Rule of Law Accountability Act, 2012). In November 2012, the bill moved to the Senate (H.R. 6156) and was amended to include the addition of “...for the conspiracy to defraud the Russian federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage...” to the original language (Sergei Magnitsky Rule of Law Accountability Act 2012). This edition of the bill passed on December 6th by a 92-4 vote. Senators Bernie Sanders, Carl Levin, John Reed and Sheldon Whitehouse voted against the bill on the grounds that it should be applied globally rather than targeted only to Russia. In passing this bill, Congress also repealed the Jackson-Vanik Amendment of 1973 which pressured the then Soviet Union to comply with free emigration policies (Ginsberg 2009). This amendment, like the Magnitsky Act, was intended to improve human rights conditions in Russia. Also like the Magnitsky Act, it was not received favorably by the Russian government. Since President Obama signed the bill into law, a total of 49 individuals have been sanctioned by the Department of the Treasury’s Office of Foreign Assets Control (OFAC) and have had their visas revoked or denied by the Department of State.

The U.S. has regularly justified this action which many have criticized as an overreach of power by claiming that as a member of the United Nations, the Organizations for Security and Co-operation in Europe, the Council of Europe, and the International Monetary Fund; Russia is obligated to protect and encourage human rights and punish acts of corruption. However, as the case of Magnitsky and many other similar breaches of these responsibilities prove, the Russian government and society elites have not taken the necessary steps to improve their human rights record or end systematic corruption. Rather, they have engaged in criminal behaviors while disregarding the rule of law. Because of this, it is both necessary and proper for the U.S. government to take action against those responsible for these activities.

However, the justifiability of this act may not be as black and white as it appears. Several arguments against the act and its implementation have arisen in the six years since the passage. The arguments against the act itself are based on the idea that the U.S. has overstepped its authority by interfering in Russia's domestic affairs and by denying due process of law to those deemed responsible for the violation of human rights or participating in corruption. Other arguments against the implementation of the act question the effectiveness of targeted economic sanctions in improving human rights as well as the effectiveness of targeting individuals rather than the administration at large. In the following sections, I shall argue that not only are targeted economic sanctions ineffective, but the punitive action taken by the U.S. has worsened human rights in Russia and threatens the international relationship.

HISTORICAL CONTEXT

To understand the Magnitsky Act of 2012 and assess its effects, it is crucial to first understand the political climate between the U.S. and the Russian Federation during this period and how it developed. Providing such a context allows for a comprehensive analysis of both positions in this conflict as well as an opportunity to generate potential solutions that appease both parties while recognizing the importance of protecting human rights and preventing acts of corruption.

After the fall of the Soviet Union and the subsequent collapse of communism in Eastern Europe, relations between the U.S. and Russia appeared to be stabilizing. During the presidency of Boris Yeltsin (1991-1999), an advocate of democracy, the years of division between the two countries were finally beginning to reverse with a series of cooperative measures. This period witnessed joint collaboration regarding space exploration and reductions in nuclear weapons (Nunn-Lugar bill 1991). Economically, this period also brought the inclusion of Russia into the

World Bank (1992), the International Monetary Fund (1992) and the G7 (1997) with support from the U.S. Further legislation and treaties passed between President Yeltsin and Presidents Bush (H.W) and Clinton include the Cooperative Threat Reduction Agreement (1992), the Freedom Support ACT (1992), START I and II (1993), the Comprehensive Test Ban Treaty (1996), and the NATO-Russia Cooperation Pact (1997) (Harvard Kennedy School for Science and International Affairs).

Between 2000 and 2009, the relationship between the countries was mixed, with both friendly and unfriendly interactions. During this time the Roadmap for Middle East Peace (2003) and the Global Initiative to Combat Global Terrorism (2005) were introduced as joint efforts to maintain support for one another and their interests. However, the U.S. invasion of Iraq in 2003 was met with Russian opposition. Then in March of 2007, Russia again opposed the U.S., this time over the decision to build a missile defense shield in Poland. Fearing NATO expansion to Georgia, Ukraine, and other former Soviet states, Russia began to withdraw from agreements and treaties. Finally, during the five-day Russo-Georgian war and the sixth wave of NATO expansions during 2008 and 2009, the U.S-Russian relationship had reached dangerous levels. After that, in a period intended to “reset” Russo-American relations, it was discovered that Sergei Magnitsky had been unlawfully detained, where he faced months of torture resulting in his death. This event sparked what has continued to be the most counterproductive and aggressive relationship since the Cold War (Harvard Kennedy School for Science and International Affairs).

GLOBALIZATION

An important factor to consider with regards to the Magnitsky Act and the current Russo-American relationship is globalization. In the simplest terms, globalization is the process of

interaction and integration among individuals, organizations, and governments driven by international trade and investment. It includes the spread of goods, services, money, people, information, and culture across borders (Guillen, 2001). This process has occurred for thousands of years but has reached new levels of intensity since the mid-20th century with the advancement of technology and the two World Wars that forced international interdependence like never before.

While some nations like the U.S. have profited socially, politically, and economically from the process of globalization, other nations, such as Russia, have suffered rather negative consequences as a result of the developing global marketplace. During the early 1990s, Russia was in transition to becoming a democratic state and mending relationships with other democracies like the U.S. and Western European nations. However, the economic fallout from the Cold War left Russia on an uneven level of competition with the rest of the developed world. Between 1991 and 2000, the portion of Russia in the world's Gross Domestic Product (GDP) reduced from 5.57% to 2.1%, and the portion of Russia in world industry reduced from 10.3% to 4.5% (Dobrenkov, 2005).

This led to a massive deindustrialization of the country as Russia found itself on the brink of economic disaster. Because of this decline, many of Russia's most educated and qualified individuals—doctors, scientists, graduates from the top universities—left the nation in search of greater financial security and prosperity. As the economy fell, the amount of people working in the technological and scientific fields decreased from 2.5 million to 800 thousand. Without the necessary funding for research and development along with the sheer lack of capable individuals, Russia ceased to be an economic and scientific force in the world. At a time when science and technology were booming, this event was a disastrous blow to Russia. With very few markets

left to compete in, Russia became a main producer of raw materials such as oil, gas, metals, and woods. Between 1991 and 2000 Russia increased its mining industry from 18% to 24.4% and oil accounted for 40% of the national exports (Dobrenkov 2005). Basing an economy on the production and exportation of raw materials is a high-risk strategy. Especially considering the limited quantity and fluctuating prices of the resources as well the recent movement towards more sustainable and renewable energy.

In addition to the negative economic events caused by globalization, Russia also faced many changes in the social and political spheres of society. In general, globalization is not an equalizing or unifying phenomenon but rather a cause for deepening divides between rich and poor nations and between the rich and poor populations within each nation, “liberal reforms split Russia into a small group of billionaires and multimillionaires on the one hand and the majority living in poverty on the other hand” (Dobrenkov, 2005). As stated by Nikos Passas in 2001, “enormous populations have become more vulnerable to exploitation, criminal victimization, and recruitment in illicit enterprises or rebel and fundamentalist groups”. Following that line of reasoning, this massive discrepancy in wealth led to a sharp rise in crime and corruption as many individuals turned to illegal methods of maintaining or improving their quality of life. In 1990 there were 14,300 recorded murders in Russia, a little more than a decade later in 2002, there were more than 32,000 recorded murders. Life expectancy also dropped from 69.2 years in 1991 to 65.3 years in 2001 (Dobrenkov 2005).

With an underwhelming economy and overwhelming crime rate, many Russians, including elected officials, took a page from the Soviet doctrine and began to blame and criticize globalization and pro-western ideologies for being what they perceived as a threat to Russian sovereignty and overall wellbeing. The process of globalization quickly developed a negative

connotation of “westernization” associated with economic failures and deteriorating social structures. When President Putin took office in 2000 it became clear that this would take precedent in his dealings with the U.S. as well as the repressive policies implemented in the nation.

Understanding the incongruity in success rates for globalization as well as how this great divide has led to deeply set anti-American and nationalistic sentiments not only in the Russian government but the population as a whole, explains in part why Russia has not been receptive to further extensions of U.S. power in the global community.

EFFECTIVENESS OF SANCTIONS

Since World War II, the U.S. and other traditional powers—such as some European states and China—have utilized a method of coercion known as economic sanctions. This practice is hardly new; there is documented evidence of Athens imposing trade sanctions on Megara in 432 BC (Fabre, 2018). However, the use of economic sanctions gained the most influence after the U.S. and allied countries used this power as a preventative measure against Nazi forces during the Holocaust (Erbelding, 2018). While the use of economic sanctions has become increasingly common among economically powerful nations, the effectiveness of this method has been widely debated and contested. To gauge the effectiveness of the targeted economic sanctions against individuals and entities in Russia, it is necessary to first identify their purpose and intended consequences. Bryan Early offers this definition of economic sanctions in his book, *Busted Sanctions*, “Economic sanctions specifically refer to restrictions that policy makers place on their target’s commerce with foreign states, firms or individuals to compel a change in their behavior. They tend to be used in response to objectionable foreign behaviors that require a more assertive response than diplomacy alone but in which the use of military force is undesirable”.

In the case of the Magnitsky sanctions, this definition fits quite well. The U.S., acting as an enforcer of international human rights agreements in accordance with the International Emergency Economic Powers Act (1977), has placed restrictions on targeted individual's assets within U.S. borders and banks. This means that once a person is added to the Magnitsky List—a list compiled by OFAC that also sanctions individuals like ISIS and al-Qaeda terrorists and Mexican and Columbian drug lords—they will not be able to access any resources that they previously placed or purchased in the U.S. There is also an international component to this act in that the list published every year by OFAC is cross referenced by World-Check, an international database that every bank in the world subscribes to. Meaning that when a person is sanctioned by the U.S., other banks and organizations around the world may refrain from doing business with that person in order to protect their relations with the U.S. Additionally, the individuals lose the privilege of obtaining or using U.S. visas to further restrict their ability to benefit from U.S. assistance. The Magnitsky list and the sanctions associated with the legislation are an attempt to change the negative behaviors of individuals, and more broadly to change the policies within Russia that allow these behaviors to persist with impunity.

The type of sanction utilized under the Magnitsky Act has been referred to as a “smart” or “targeted” sanction because it affects only the individuals or entities directly involved in the objectionable behaviors (Hofer, 2018). These sanctions are allegedly not directed at the nation of Russia or its government. For this reason, targeted sanctions are typically the preferable method of financial restriction for they do not actively engage with Russian authorities. While this was supposedly the goal of the Magnitsky Act sanctions, it is evident that the Russian government has deemed the legislation to be an attack on Russian sovereignty and therefore feels targeted by the U.S. and these sanctions. In 2017, Gary Kasparov, chairman of the Human Rights

Foundation said during a hearing before the Commission on Security and Cooperation in Europe, “the best way to target Putin’s power is to take aim at his agents and cronies and their money to pursue the mafia that hold the lever of power and who benefit the most from Putin’s rule. The individuals who can influence Putin must be targeted or there can be no effective deterrence... Putin and his gang must understand that if he continues on this path, their fortunes, their families’ comfortable lives abroad will be at risk” (The Magnitsky Act at Five Years, 2017). Despite what authorities claim, it is quite clear from those sentiments that the Magnitsky Act is at least in part directed towards the Putin administration and its role in the objectionable behaviors. From this perspective, it is fair to qualify Russia as a targeted nation

The U.S. has historically employed economic sanctions at substantially higher rates than any other nation (Early, 2015). This is due to the fact that the U.S. maintains a large amount of economic power that it can use as leverage in dealings with less wealthy nations. This exploitative process is based on the knowledge that many nations rely heavily on U.S. markets, capital, financial systems, and aid. Losing these benefits can be very problematic for struggling nations so it is therefore seen to be within their best interests to bend to the will of the U.S.

Economic sanctions are also a preferable alternative to military action for several reasons. It is less costly both in human lives and resources for the U.S. to engage in economic rather than military warfare. And the U.S. is able to maintain a symbolic position of opposition to the objectionable behaviors of others while remaining far-enough detached from any actual conflict. Sanctions are also believed to achieve their intended policy changes faster than military engagement. Despite the apparent advantages of sanctions, there is strong evidence showing the overall ineffectiveness and harmful results from this form of coercion.

Economic sanctions have only proven to be successful in achieving their goals about 23 to 34 percent of the time (Early, 2015). This poor track record is the result of several important factors that both limit the effectiveness of the actual sanction and create other problems for both the sending (sanctioning) and receiving (targeted) parties. These limiting factors: so-called sanction busters described by Early, the growing problem of cryptocurrency, and extralegal methods of getting around sanctions, have been quite productive in reducing the overall impact that a sanction could have inflicted. Additionally, a few unintended consequences of economic sanctions, such as their use in propaganda for the Russian government and the negative effect on the human rights and economic state of Russia, illustrate the dangers and perhaps deterrents against imposing sanctions.

In his book, Bryan Early describes a phenomenon called “sanction busting” where a target nation—or in the case of Russia via Magnitsky, target individual—is financially aided by third parties, ultimately decreasing the effect of the sanction. These third parties can be countries, organizations or individuals who seek to benefit from the situation by developing alternative trade relationships with the targeted party at increased rates. This relationship allows the targeted party to maintain their economic standing and even replace lost revenue while the third party also gains a profit. In regard to the Magnitsky sanctions, the process of sanction busting enables those who have been cut off from resources in the U.S. to rebuild or repair their finances through other relationships. This is particularly relevant given the strong relationship between Russia and China, a nation rivaling the economic prowess of the U.S. It is also increasingly likely that those individuals involved in corruption and or human rights violations have heard of the Magnitsky Act and are no longer keeping large amounts of money or assets in U.S. run enterprises.

Next arises the relatively new phenomenon of cryptocurrency, which although still in its early stages has proven to be a force worth noting. For clarity, cryptocurrency is a form of digital currency based on code that is secure, anonymous and unregulated by a central bank or country (Shin 2017). It is used like any other currency, but it is entirely electronic and essentially untraceable which is why it has been used in many criminal settings such as human trafficking and the trade of illegal drugs and weapons. Earlier this year, the New York Times published an article about the ability of nations like Russia and Venezuela to side-step sanctions using digital currency (Popper, Matsnev & Herrero, 2018). Although the likelihood of such a large endeavor actually succeeding is minimal, the use of cryptocurrencies like Bitcoin (2009) and Litecoin (2011) on a much smaller scale does threaten the reach of targeted economic sanctions. Since cryptocurrency is anonymous and not backed by any sort of bank, it is very easy for an individual to trade and use without interference from the U.S. government. This also means that the U.S. cannot regulate the movement of money, goods, or services in or out of its borders as the need for a bank or physical money has been minimized. Cryptocurrency also allows individuals to participate in criminal activities without necessarily needing to fear any consequences. If nations like Russia, Venezuela, and Iran are able to create nationally based cryptocurrencies, the effectiveness of economic sanctions will be greatly reduced. Even the low-level uses that occur today have made sanctions a much less powerful tool.

Also relevant to the effectiveness of economic sanctions is the presumption that those who are sanctioned will be motivated to change their behavior and to follow the rules of the sanction. It is naïve to assume that individuals who have been suspected to be responsible for heinous acts will suddenly become law-abiding citizens. Considering the various ways one can get around an economic sanction both legally and otherwise (illegally obtained visas, concealing

money, transferring money before sanction takes effect), there is hardly any reason for an individual to cease their objectionable behaviors. Thus, it appears that targeted economic sanctions are not nearly as effective in reducing human rights violations and corruption in Russia as U.S. policymakers would like to believe. Rather than an actual consequence or a legitimately deterring factor, economic sanctions are received as a hostile measure from an unfriendly nation and used to further anti-American and nationalist propaganda within Russian borders.

To summarize the ineffectiveness of the Magnitsky sanctions, the Library of Congress issued a report from the Congressional Research Service in 2018 that addresses some of the reasons that the objectionable behaviors in Russia will not change. As the authors state, “Russian policy makers may be willing to incur the cost of sanctions in furtherance of Russia’s foreign policy goals. Sanctions also might have the unintended effect of boosting internal support for the Russian government and sanctions may be targeting individuals that have less influence on Russian policymaking than the United States assumes. Furthermore, the economic impact of sanctions may not be consequential enough to affect Russian policy”. The report goes on to say that the effect of sanctions in changing behavior is difficult to determine. However, it seems immensely clear that targeted economic sanctions like those implemented under the Magnitsky Act will have little chance at obtaining their intended consequences because of the minimal effects on either the sanctioned individual or the Russian government at large.

Beyond noting the overall inability of the sanctions to change behaviors in a positive direction, it is important to address the fact that these sanctions have directly impacted human rights and corruption in Russia in a negative way. In an article published in the *Journal of Peace Research*, Dursun Peksen claims that economic sanctions unintentionally worsen human rights in the nations they target. Based on one theory of economic sanctions, economic coercion is

designed to weaken the target regime by denying them necessary physical and monetary resources that are crucial for political elites to maintain stability and order (Pesken, 2009). It is believed that economic sanctions are expected to improve human rights conditions by undermining target governments' coercive power and political support from elites as well as support from the public. However, this is not often the result. As Pesken states, "foreign economic pressure unintendedly permits the targeted leadership to enhance their coercive capacity and create more opportunities to violate the basic rights of average citizens...economic coercion enhances the repressive capacity of the regime" (Pesken, 2009. pg. 61-62). One of the largest human rights issues in Russia is the repressive nature of the regime, targeting the freedom of speech and expression of any who voice dissent against the policies and leaders of the nation. This has only increased in the years since Magnitsky was implemented.

Another way that economic sanctions have worsened the condition of human rights in Russia has been the broadening legitimacy and justification of repressive tactics by the Russian government. The government and elites have used the Magnitsky Act sanctions to strengthen their hold on the country under the justification of maintaining domestic cohesion to fight external threats. The anti-western and nationalist ideologies that were created as a result of the sanctions, fueled the implementation of legislation designed as a retaliatory measure against the U.S. The Dima Yakovlev Law (2012), issued as what many have described as a direct response to the Magnitsky Act, created an identical list of U.S. citizens who are banned from entering Russia and whose assets and investments inside Russia have been frozen based on human rights violation in Guantanamo Bay. As more names are added to the Magnitsky list, more names are added to the Yakovlev list. Additionally, this law suspended the activity of politically active non-profit organizations that receive aid from American organizations or individuals. This clause

limits the ability of human rights and corruption watch groups to investigate and report on issues inside Russia. The Dima Yakovlev Law also banned U.S. citizens from adopting children from Russia, including children who were already in the process of being adopted. The law is named after a Russian orphan who died from heat stroke after being left in a hot car by his adoptive parents in Virginia. However, as subsequent sections of this paper demonstrate, the welfare of Russian children is not an actual concern of Russian authorities. Instead, this law seeks to punish U.S. citizens for the actions of their government.

There are also those who argue that economic sanctions are themselves a violation of human rights (Marks, 1999). This argument stems from the fact that by implementing a sanction against an individual, the sending nation is denying them their rights to material assistance and property. Other rights that have been denied to those who have been sanctioned are the freedom of movement and the right to due process of law. All of these rights are clearly outlined in articles 10, 11, 13, and 17 of the Universal Declaration of Human Rights (UDHR) authored by the United Nations General Assembly in 1948. However, the language and implementation style used in the Magnitsky sanctions and UDHR appear to negate this claim. With regards to due process, “programs are effectively devoid of the procedural and substantive due process protections that would be associated with similar actions if they were taken pursuant to civil or criminal law” (Hofer, 2018), because the targeted individual is not actually being charged with any wrong doing in a court of law, they are not entitled the same protections. Similarly, the declaration guarantees every human with the right to leave their country of origin, it does not however give them the right to enter another country. The U.S. Department of State is also allowed by Congress to deny any person access to the country meaning that the freedom of movement clause is not applicable either. The rights to property and material assistance are more

substantial in terms of this argument. However, they are not enough to prove that the U.S. is deliberately violating the rights of the individuals it sanctions.

While sanctions themselves may not be fully considered a violation of human rights, there remains considerable evidence that sanctions contribute to a reduction in human rights in the nations they target. Thus, not only are the economic sanctions implemented under the Magnitsky Act unsuccessful in changing or deterring the behaviors they sought to alter, they have also had a negative impact on human rights. In the six years since the Magnitsky Act was passed, very few if any policies have been changed to protect human rights or punish corruption in Russia. Rather, as following sections of this paper will demonstrate, policies intended to reduce the rights of individuals and increase the repressive power of the government have been introduced. The overall quality of human rights in Russia has declined in the years following the implementation of Magnitsky, as has the relationship between the U.S. and Russia.

POLITICAL IMPACT

When word reached the Putin administration about the potential adoption of the Magnitsky Act, the reaction from all levels of the government was one of clear objection and agitation. At the annual press conference in 2012, President Putin referred to the policy as an “undoubtedly unfriendly act towards the Russian Federation,” he goes on to say, “It (the act) is a matter of one anti-Soviet, anti-Russian law being replaced with another... This is very bad and has had a negative impact on our relations” (Santos, 2012). Sergei Ryabkov, the Russian Deputy Foreign Minister at the time, mirrored the President with his statement about the act, “owing to certain sentiments that prevail in the U.S., including on Capitol Hill, our relations with the U.S. seriously lack what we call the three basic principles-mutual respect, equal rights and non-interference in internal affairs... difficulties appear if attempts are made to impose one’s opinion

of how things should be done in a sovereign state on someone else” (Englund, 2012).

Resentment towards the act and U.S. interference in Russian affairs, triggered a symmetrical reaction from the Russian government in the adoption of the Dima Yakovlev Law.

This reaction as well as subsequent retaliatory measures can be understood in the context of globalization. For over a decade the Russian economy, industry, and social sector suffered at the hands of globalization while the U.S. prospered and grew. This created deeply rooted indignation towards any western foreign policy directives that aimed to influence Russian policies or ideologies. When confronted with their failing human rights and corruption records, the Russian government could have, but did not, perceive it as an opportunity to improve important aspects of their nation. Instead, they took the legislation as an opportunity to increase anti-American sentiments and hostilities. As further denial of any responsibility in the illegal arrest and detention of Sergei Magnitsky, the Russian government maintains that the Magnitsky himself was culpable for the fraud operation; even going as far as to posthumously charge Magnitsky with tax evasion in 2013, the first case of its kind in Russian history (The Magnitsky Act at five Years). During this time, the Russian courts additionally tried Bill Browder, a British citizen and Magnitsky’s activist, in absentia and found him guilty, sentencing him to 9 years in Russian prison colony. British authorities have repeatedly denied Russia’s request for extradition (Tsvetkova & Gutterman, 2013). Setting the tone for all future bilateral relations, Russia has made clear that the Magnitsky Act was an anathema.

In the years since the passage of the Magnitsky Act, the political relationship between the U.S. and Russia has been a volatile battle of wills with neither side prepared to relent. In an effort to demonstrate their power, the Russian government has participated in various political interference schemes targeted towards undermining U.S domestic affairs. The most notable cases

of these nefarious tactics are those of Edward Snowden and Natalia Veselnitskaya two individuals who have attempted and arguably succeeded in disrupting U.S. politics and procedures.

Edward Snowden gained infamy in 2013 after downloading and leaking over 200,000 classified government documents that show the NSA's "bulk collection of phone and internet metadata from U.S. users, spying on the personal communications of foreign leaders including U.S. allies and the NSA's ability to tap undersea fiber optic cables and siphon of data" according to Reuters in 2014. Additionally, the documents Snowden exposed revealed a program piloted by British cyber spies that was able to monitor YouTube in real time and collect addresses and user information. This program was also capable of spying on individuals through Facebook and Twitter. Many in the U.S. criticize Snowden of committing treason and some even accuse him of being a Russian spy. Snowden defended himself by claiming that the documents he exposed show violations of the U.S. Constitution. After being charged with violating the Espionage Act of 1917, Snowden sought and was granted asylum in Russia where he remains today. Many in Washington were upset by Russia's decision to harbor a criminal and felt that the decision was meant to send a message of boastful noncompliance to the States.

More recently, the case of Natalia Veselnitskaya has created unrest not only in the U.S. but internationally. In June of 2016, Natalia, a Russian lawyer with strong ties to the Russian government, met at the Trump Tower in New York City with Donald Trump Jr.—and several others including Paul Manafort and Jared Kushner—while his father was campaigning for the presidency. While the actual events of that day remain widely speculated, it has been alleged that Natalia offered the Trump campaign destructive and incriminating information about Hillary Clinton in exchange for Trump's support in amending the Magnitsky Act once elected. The

Trump campaign has vehemently denied having accepted Russian help in the election process yet the fact that Donald Trump Jr. was both willing and eager to take the meeting implies otherwise. There is very little doubt that Russia interfered in the 2016 Presidential Election and this meeting reveals that the Magnitsky Act may be one of the reasons (Sheth, 2017).

By targeting the presidential elections, Russian authorities are taking strategic shots at the foundation of democracy: free and fair elections. This may seem like an overreach in what has previously been a symmetrical tit-for-tat bilateral relationship but recalling the key problem of globalization, Russia is only evening the playing field. The U.S. is responsible for forcing democracy upon Russia in the 1990s, now they are taking aim at the principle Americans hold so closely.

Other examples of the straining political relationship between Russia and the U.S. include the military conflicts with Syria and Iran as well as the controversial annexation of Crimea, Ukraine in 2014. These events have each played an important role in and contributing to the growing rivalry of nations.

To summarize, the Syrian Civil War began in 2011 when demonstrators took to the streets to protest for political and economic reforms. They were met with intense violence at the hands of regime led security forces which fueled the uprising and gained the attention of other nations in the world. Sides were quickly established, the U.S. offering weapons and military training to the moderate rebels while Russia and Iran backed President Bashar al-Assad and his regime. From the context of globalization, the lines drawn in this conflict follow a well-established pattern of Russo-American dealings in international affairs. The uprising in Syria followed shortly after similar uprisings in Tunisia and Egypt where the U.S. again supported the overthrowing of authoritarian regimes in favor of democracy. In both of these conflicts, Russia

has supported the authoritarian regimes. The overall themes in all three of these uprising has been the U.S. attempting to promote and expand democracy while Russia attempts to halt this movement because of the negative consequences democracy—a factor of western lead globalization—inflicted on the country in the 1990s. The Syrian Civil War and tensions between Russia and the U.S. predate the adoption of the Magnitsky Act but it is clear that the underlying divisions caused by globalization have carried through in both events.

Another consistent factor to consider when analyzing the U.S. and Russia's roles in political uprisings is that of the protection of human rights. One of the predominant reasons why the U.S. has supported rebel forces in these conflicts has been the record of abuse by the authoritarian regimes. Since the advancement of technology, the media has been bombarded almost daily with graphic images and videos from inside Syria where attacks and bombings occur all too frequently. Even before the conflict began, the Assad regime was notorious for repressive policies that drastically restricted citizen's individual rights. This is also true of the regimes that led Egypt and Tunisia before their political uprisings. The U.S. has created a pattern of using human rights violations as justification for intervening in the domestic affairs of other nations and backing moderate to extreme revolutions in various countries while Russia has stuck to their pattern of defending such violations and supporting the regimes responsible in the name of sovereignty.

This pattern of human rights and political interference or intervention follows Russia and the U.S. into the annexation of the Crimean Peninsula in 2014. Officially, the UN and many individual nations continue to recognize Crimea as a part of Ukraine. Conversely President Putin and his administration justify and validate the annexation by claiming that ethnic Russians living in Crimea were being persecuted and were vulnerable to NATO expansion if Ukraine ever joined

the union. Russian immigration policies also changed dramatically during this time to favor Ukrainian immigrants and ethnic Russians living in Ukraine over every other population of migrants. This appears to the U.S and the UN as an attempt to regain soviet territory that was stripped away after the cold war.

As with most conflicts involving military action, the annexation of Crimea resulted in massive violations of human rights. According to the Organization for Security and Co-Operation in Europe (OSCE), Russian authorities have attempted to silence any dissent from individuals residing in Crimea who are opposed to the annexation. In doing so, Russian authorities have conducted “murders, torture, harassment, illegal detentions, disappearances, and the persecution of journalists, human rights defenders and activists” which mirrors the unjust treatment of citizens in Russia. In this scenario, Russia has used the alleged violation of human rights in regard to ethnic Russians in Ukraine as justification for occupying and annexing the territory which only led to increased human rights concerns including the recent attack on Ukrainian ships and the abduction of crew members.

An important distinction to note in relation to the Russo-American conflict is the difference between interference and intervention. Russia has accused the U.S. of interfering in not only their but other sovereign nations such as Syria, Egypt and Tunisia’s domestic affairs in an effort to promote Western ideology. From the U.S. perspective, the government is intervening in the domestic affairs of other nations to protect human lives and internationally recognized rights. Depending on the lens one chooses to look through, both sides could appear to have a compelling argument in maintaining the battle of wills.

INTERNATIONAL RELATIONS

To further demonstrate the deterioration of the relationship between Russia and the U.S., it is important to look at the international organizations and agreements that have been signed and abandoned or ignored in the last few decades as well as what this trend implies for the future. Most notably, the Parliamentary Assembly of the Council of Europe (PACE), the Group of Seven (G7), the North Atlantic Treaty Organization (NATO), the United Nations (UN), and most recently the Intermediate-Range Nuclear Forces Treaty (INFT). These organizations and treaties have undoubtedly brought strife to the nations they encompass, but their abolition rightfully terrifies much of the world.

Established in 1949, PACE and its current 49-member states are dedicated to upholding the “shared values of human rights, democracy and the rule of law that are the ‘common heritage’ of the peoples of Europe” (PACE). In 2014, Russia’s right to vote in PACE, their right to be represented in its ruling bodies and to participate in election observation missions were suspended following the Crimean annexation. The goal of this political sanction was to change the behavior of the Russian government by compelling it to withdraw from Crimea. In retaliation against this political sanction, Russia completely pulled out of the council in 2017 and ceased payments of membership fees which negatively impacted the other member states who depended upon these funds to operate. By leaving the organization, Russia signaled that it is not committed to the protection of human rights nor is it interested in maintaining relationships with other European nations. In a similar fashion to the reaction against the Magnitsky sanctions, Russia has used the political sanctions imposed by PACE to strengthen isolationist rhetoric in the nation. According to their logic, the world—led by the U.S. and Europe—is targeting the sovereignty of Russia by imposing their western political ideology on the nation.

Between 1998 and 2014, Russia also belonged to the organization then known as the G8. The now G7 is a coalition of industrialized democracies that work together on issues of “global economic governance, international security, and energy policy” (Laub & McBride, 2017). Russia’s initial inclusion in the group was a controversial decision of President Clinton’s given the fact that at the time Russia had accrued large amounts of debt with a relatively small economy. For the entire period of inclusion, Russia was consistently in opposition with the other member states over issues of foreign policy including the Syrian civil war. Then in 2014, just as PACE had done, the leaders of G7 imposed their own set of sanctions against Russia following the Crimean conflict as well as the Russian attack on the Malaysia Airlines Flight that killed all 298 passengers aboard. In a joint statement issued by the leaders, “We believe it is essential to demonstrate to the Russian leadership that it must stop its support for the separatists in eastern Ukraine”. The G7 credits itself with the implementation of the Minsk accords, a plan that called for the withdrawal of heavy weaponry in addition to a ceasefire in Eastern Ukraine. This accord was made possible only after the group lifted their sanctions on Russia.

Another particularly sore-spot for the Putin administration is NATO. While Russia has never been a fully-fledged member of the organization, there have been numerous attempts to increase dialogue and cooperation between NATO and Russia (NATO Relations with Russia, 2018). In 1997, the NATO-Russia Founding Act initiated the process that was strengthened by the establishment of the NATO-Russia Council in 2002. This council served as a forum for discussion of security concerns and policy initiatives. The Russo-Georgian war in 2008 damaged this relationship and the council was suspended for the year. In 2014, the council was indefinitely suspended, again in reaction to the aggressive actions against Crimea. Channels of political communication remained open between Russia and NATO, but the civilian and military

cooperation efforts are no longer in practice. NATO continues to condemn the actions of Russia in Ukraine and refuses to recognize the annexation as a legitimate merging. The organization has refrained from sanctioning the Russian government in hopes of retaining some semblance of diplomacy. However, many of the member nations including the U.S. and the U.K. have implemented their own sanctions, creating a tense climate that seems counterproductive for communication.

Over the past year, the UN Human Rights Council (UNHRC) has faced a new set of problems stemming from the U.S. decision to withdraw from the position. In June of this year, the former U.S. Ambassador to the UN Nikki Haley said, “for too long the Human Rights Council has been a protector of human rights abusers and a cesspool of political bias” in reference to the UNHRC’s stance on the Israel-Palestine conflict (U.S. State Department, 2018). Russia welcomed the U.S. withdrawal because it gave the nation another chance to be elected onto the council. The Russian ambassador criticized the U.S. by saying that the U.S. does not understand how the UNHRC operates, alluding to the idea that President Trump withdrew because the council didn’t take his side with regards to Israel. Russia has served one term on the council but lost the reelection in 2016 due to its support of the Assad regime in the Syrian Civil War. In July, Iceland was elected for a period of a year to replace the U.S. but the upcoming election leaves 7 spots that Russia could run for. However, this seems unlikely given Russia’s stance on the recent sanctions against North Korea that and the nation’s record of human rights violations that have not improved in recent years.

Finally, and most recently, a new wave of Russo-American conflict has arisen with talks of withdrawing from the INF accord. For years Russia has been accused by the U.S. of not complying with the accord that bans the two nations from testing, producing, or possessing

ground-launched ballistic or cruise missiles (Gordon, 2016). In 2014, the Obama administration first voiced concern that Russia was in violation of the accord by testing missiles. Then in 2016, more concerns were issued that Russia was producing more missiles than necessary for a flight which could mean that the government was attempting to build a stockpile. In the following year, the U.S. again accused Russia of testing and deploying prohibited intermediate-range missiles. Russia has consistently denied these claims, saying that the missiles they test are in full compliance with the treaty because they aren't able to travel long distances (Pifer, 2018). The U.S rejects this argument and is getting closer to abandoning the treaty, an action that many in the international community are opposed to.¹ If the U.S. does abandon the accord, many fear that Russia will have more leeway to create a sophisticated stockpile of weaponry endangering more than just the U.S.

In summary, the past few decades of international relations between Russia and the U.S. have become increasingly hostile and dangerous owing to legislative actions, failed agreements as well as a lack of trust and commitment from both sides. The unfavorable relationship between these nations at the time of Magnitsky's implementation as well as the relationship that has transpired since, demonstrate the importance of international relations in foreign policy. Negative international relations foster a problematic environment for any legislative act between the states. Even an act like Magnitsky, an intervention in human rights, which has been advertised as a means of punishing individuals not the administration at large, has minimal chances for success. The relationship that existed in 2011 is arguably an improvement from the relationship that exists in 2018 given the events that have occurred during the years. Considering the further decline in international relationship, in part due to the act itself, it is reasonable to

¹ Since the initial writing of this paper, the U.S. has withdrawn from the IMF Treaty effective February 1, 2019.

predict that the Magnitsky Act could not have had its intended effect at improving human rights nor will it be able to succeed until relations improve or other measures are introduced. To illustrate the validity of this prediction, the Human Rights Reports for Russia during the period of 2011-2017² will serve as the data section of this paper.

HUMAN RIGHTS REPORTS

Every year the U.S. Department of State issues country level reports on the human rights practices of specific nations. This information is gathered using a network of NGOs and other non-profit organizations located inside the nation that observe and report on human rights violations. The Department of State separates these issues into the following categories: arbitrary or unlawful deprivation of life; freedom of expression; political freedom; official corruption; governmental attitudes regarding NGOs investigation of human rights and corruption; discrimination and other societal abuses, trafficking in persons; and workers' rights. To demonstrate the lack of progress and overall deterioration in regard to human rights protection, the following pages summarize the findings from these reports for the period of 2011-2017.

Unlawful Deprivation of Life

Between 2011 and 2017, an alarming number of events took place regarding the arbitrary or unlawful deprivation of life. The reported number of incidents is unlikely to be representative of every situation given the well-known fact that many cases go unreported and many are covered up in some form or another. In 2011, the Committee of Soldier' Mothers received over 25,000 complaints of hazing from the military yet only 1,500 cases were ever registered. This is because many soldiers refused to report hazing to their unit officers for fear of reprisal and

² The human rights report from 2017 was the last published report at the time this paper was created.

because cases that were reported very rarely resulted in punishment for those responsible. If the hazing resulted in death, courts frequently found the cause of death to be suicide despite substantial evidence of foul play. This lack of justice carries through all seven years of reports.

Several instances of suspicious deaths occurred during these years including prominent journalists opposed to Russian policies and behaviors as well as political dissidents such as Boris Nemtsov who was the Deputy Prime Minister under President Yeltsin. Suspicious disappearances also took place in large numbers during this time period. These disappearances are believed to be enforced by authorities for political and financial reasons. In 2015 there were 476 outstanding cases of enforced or involuntary disappearances; by 2017 there were 480 cases. From December 2016 through March 2017, over 100 male residents of Chechnya were kidnapped by local security services, held prisoner and tortured for their suspected homosexuality. The Russian government denies this anti-gay purge, yet several survivors have come forward with their personal testimonies to local newspapers and human rights watch groups.

In Russia there is no legal definition of torture meaning that the only criminal charges that can be brought against the perpetrators are simple assault or exceeding authority. During those seven years, there were increased amounts of illegal psychiatric detentions, beatings, extortion and manipulation of prison inmates to enact confessions as well as the use of racial profiling by police officers. Very few cases involving torture were ever brought before a court of law and even fewer were ever prosecuted even when the torture resulted in death.

Conditions in prisons and detention centers were often life threatening and disregarded fundamental human rights. In 2011 it was reported that the standard space per person was on average 43 feet which ignores the 75 square-foot standard outlined by ECHR. Also during this

year, it was reported that 50 individuals had died in pretrial facilities and 4,432 died in correctional facilities. In 2012, 285 deaths occurred in pretrial facilities and in 2013—the year the Magnitsky Act went into effect—over 4,120 people had died in pretrial detention centers. Medical services were often limited or denied to patients resulting in 4 percent of the prison population being infected with tuberculosis by 2014 (17 times higher than the national average) and HIV rates that increased nearly 6 percent every year reaching 62,000 detainees in 2016. In 2017 it was reported that 87 percent of deaths in detention facilities were caused by poor medical care. One problem that contributes to the rapid spread of disease is overcrowding. By 2015, every detention facility in Russia was crowded beyond capacity, some by more than 27 percent. This is a substantial increase from 2014 when prisons were operating at 95 percent capacity and from 2013 when levels were at 90 percent capacity. As a result of repressive legislation from the Putin administration, by 2016 there were no independent bodies to investigate allegations of inhumane treatments in prison. Consequently, many violations remain unreported.

There are several laws pertaining to arrest procedures and treatment of inmates while in detention, yet they are rarely enforced with any real effort by the prison guards. In many cases, prison officials held individuals in custody longer than acceptable, subjected inmates to unfair and illegal interrogation techniques, and withheld important information regarding the arrest and detention from detainees. Additionally, there were numerous cases of “pocket” defense attorneys who acted in ways that benefited the prosecution rather than their client as well as judges who were easily influenced to rule a certain way. While the law prohibits arbitrary arrests, the practice continued with impunity during the 7 recorded years. Oftentimes, individuals involved in demonstrations against the government were arrested and held to silence the opposition.

Beyond the problems occurring during the initial arrest and detention, many issues occurred during the trial procedures that were blatant denials of human rights. Between 2011 and 2017 complaints sent to the human rights ombudsman regarding alleged violations of the right to a fair trial consistently accounted for more than 60 percent of complaints related to violations of civil rights. Human rights watch groups noted in 2017 that many court hearings appeared to be predetermined through behind-the-scenes interactions with police, judges and lawyers. Due to the high cost of attorney fees, the poorest defendants often received inadequate legal advice and representation. Other illegal procedures that occurred during this time include the illegal detention and prosecution of political prisoners. In 2011, the number of recorded political prisoners was 39, in 2017 that number tripled to 117 individuals. The charges these individuals faced fall under the general term of extremism which is broadly defined in Russian law. The ECHR frequently opposed the actions taking place in Russia and attempted to issue rulings on especially egregious human rights violations. However, in 2015 the Russian government passed a law enabling the Constitutional Court to declare these rulings “nonexecutable” meaning that Russia does not have to obey decisions they deem contradictory to their constitution. This law vastly restricted the ability of outside forces to intervene in Russian affairs.

Russian law also forbids officials from entering a private residence, prohibits the collection, storage, utilization and dissemination of information about a person’s life without their consent and until 2015, prohibited government monitoring of correspondence, telephone conversations and other means of communication. However, in 2016 under the broad antiterrorism initiative, Russian authorities required telecommunication providers to store all electronic and telecommunication data including phone calls, texts, images, and videos. This group of amendments called the “Yarovaya package” allows authorities to monitor phone calls in

real time with an easily obtained warrant. Human rights groups claim that authorities regularly use this tool to intimidate citizens. Prior to these amendments, there were numerous claims of Russian officials monitoring telecommunication of regular citizens and more commonly, those who were actively opposed to the regime. In 2013, another objectionable law went into play that requires relatives of terrorists to pay the cost of damages caused by an attack. Many human rights groups criticize this policy as a form of collective punishment.

The final subcategory listed under arbitrary and unlawful deprivation of life is abuses in internal conflict. The North Caucasus republics, which reside on the southwest border of the nation, specifically Dagestan and Chechnya, experienced extreme violence driven by jihadist movements, interethnic conflict, personal and clan-based vendettas and the use of excessive force by security. During the recorded seven years, the number of missing persons grew to 20,000 according to the Caucasian Knot, a local news source. A majority of those missing are believed to have been detained or abducted by government forces or law enforcement and were either imprisoned or killed. Over those seven years, at least 2,611 individuals died as a result of armed conflict in the region. Many of the deaths and disappearances went uninvestigated and unprosecuted.

Section four, subsection (a) of the Sergei Magnitsky Rule of Law Accountability Act states that those persons responsible for “extrajudicial killings, torture, or other gross violations of internationally recognized human rights” shall be determined in violation of the act and subjected to the outlined financial and travel restrictions. However, considering that the rates of these offenses did not decline but rather increased in the time since the act was introduced, it is clear that the intended deterring element of the act has not been successful.

Freedom of Expression

One of the best examples of the deterioration of human rights in Russia is the freedom of expression including speech and press. Between 2011 and 2017, these rights were severely limited to the point of complete authoritarian censorship. In 2013, several new laws were instituted that started the process of restricting speech. These laws prohibited the distribution of material that promoted nontraditional sexual relationships to minors; criminalized the intentional offending of religious sentiments; and criminalized calls for separatism. Then in 2014, more laws went into action that broadened the definition of extremist speech; prohibited profanity in books, films, music, theater, and blogs; toughened punishments for advocacy of separatism, and banned symbols associated with fascism. In 2015, the list of “extremist” materials that were banned from the country totaled 3,072 items, by 2017 this list had reached 4,294 books, videos, websites, social media pages, and other items. Among the organizations that were banned for being “extremist” were Jehovah’s Witnesses for their translation of the bible. The press in Russia has never truly been free but during this period it became nearly impossible to publish anything that opposed the regime’s authority. Those who did were labeled as “traitors” or “foreign agents” and effectively shut down.

Beyond losing their jobs, many journalists, radio hosts and television news reporters became the targets of violence as a result of their new labels. Over the years there were hundreds of incidents including murders, attacks, detention, threats, and harassment against journalists in all forms of the press. From 2012 to 2015, the number of attacks on journalists tripled. Those who reported on human rights violations and corruption inside Russia or Crimea were especially vulnerable to retaliation. To further censor journalists, libel and slander laws were broadened and heavily enforced.

The internet also became increasingly restricted during these years. The NGO Agora stated that in 2014 there were 1,832 cases where the rights of internet users were infringed upon, by 2017 there were 116,103 cases of this nature. This dramatic increase is the result of several laws implemented in 2013 and onwards that attempted to crack down on internet freedom. The first oppressive law of this period was introduced in 2012 as a federal blacklist of internet sites. This list was allegedly created to protect children from offensive information yet that hardly explains why over 600,000 sites had been blocked in the country by 2016. The Pirate Party of Russia who monitored the blacklist reported that between 96 and 99 percent of the blocked sites in any given year did not contain illegal content. Other problematic laws that went into place during these years include the new ability of the Prosecutor General to demand websites promoting extremist information of mass public events to be blocked; a law requiring bloggers who received more than 3,000 views per day to register as mass media outlets; a law requiring data servers for email and social networking sites be kept on the country's territory; a law requiring owners of internet search engines to be accountable of the truthfulness of information before it is published; and a law prohibiting anonymous users from using online messaging applications.

Beginning in 2014, the government took steps to restrict academic and cultural freedoms inside Russia. These steps include opening criminal investigations against university professors who criticized government policies; censoring and shutting down cultural events or displays that authorities considered offensive or that expression opposition views; closing museums and universities that depicted unfavorable materials; and canceling ballets and essay contests due to the topic of sexual orientation.

The law provides for freedom of assembly and association but over the years local authorities continued to restrict the practice of these rights. Protestors and organizers of demonstrations were often attacked or arrested for their participation. In 2012, a law that increased the penalties for engaging in unsanctioned protests was enacted. In 2013, Putin signed a law banning demonstrations in Sochi leading up to the Winter Olympics. Also in 2012, the “foreign agents” law that forced NGOs that receive foreign funding to register as foreign agents went into action (Machalek). Shortly thereafter the Dima Yakovlev Act banned these NGOs from receiving material or financial assistance from the U.S. Additionally foreign agent NGOs faced stigmatization and were forced to report their activities every six months. Being labeled as a foreign agent was essentially a death sentence for NGOs as they could no longer participate in political activities due to heavy fines and they lost a majority of their funding and support from Russia. In 2014, the government toughened the punishment for mass rioting and increased fines for violating these policies. By the end of 2016, over 150 NGOs had been designated as foreign agents, with or without their consent. In May of 2015, Putin created the new “undesirable” foreign organizations list that meant any organization found to be “dangerous to the foundations of the constitutional order of the Russian Federation” would have to cease all activities. Many of the new “undesirable” organizations were involved with protecting and reporting on issues of human rights and corruption in the country. In 2017, the term foreign agent was expanded to include foreign media working in Russia and Russian news publications that received funding from abroad. Undesirable organizations were prohibited from establishing physical entities in the country, essentially shutting down their operations.

The final subcategory under the protection of civil liberties is the freedom of movement including internally displaced persons (IDPs), refugees, and stateless persons. These three

populations were particularly restricted in movement and were often denied services based on their status. While the number of IDP decreased from 75,980 in 2011 to 22,600 individuals in 2016, the number of stateless people increased from 21,443 to 178,000 individuals during the same period of time. This discrepancy is understandable given the definitions and circumstances of these groups. IDPs are the result of internal conflict like that in Chechnya whereas stateless people are identified as illegal migrants or noncitizens. Because of this, IDPs were able to resettle in Russia while stateless people were denied the right to citizenship, legal work, land and the right to register as residents. Like refugees, stateless people were often housed in decrepit facilities that were unsuitable and unsustainable. There were many reports of police and pro-government groups targeting and harassing these people, occasionally detaining and deporting them involuntarily. Certain nationalities, like Ukrainian, were preferred among stateless persons and refugees. Those of Ukrainian decent were readily integrated into society while those from Central Asia and Africa were repeatedly denied asylum or had to pay fees for equal service. After the annexation of Crimea, non-Ukrainian persons were denied many of the services given to those from Ukraine including food, shelter, medical care, and job-placement assistance. This clear-cut racism was an effort to reestablish soviet influence while keeping out populations that could threaten the homogenous nationalistic order.

It is overwhelmingly evident that neither the government nor the societal elites are determined or invested in protecting internationally established human rights or the rule of law in many cases. Because of this defiant strategy and the lasting influence of globalization, the Magnitsky Act—as well as the subsequent sanctions and travel bans—has predictably not been able to alter the state of human rights in Russia.

Respect for Political Freedom

To further enhance the nationalistic and isolationist principles that define the Putin administration, the government has taken several steps to restrict the political freedom of its people. Both State and Presidential elections between 2011 and 2017 were marked with accusations of governmental interference and manipulation of the electoral process. This includes: fraudulent use of absentee ballots, ballot-box stuffing, manipulation of protocols, busing in voters from other regions, “carousel” schemes in which citizens voted multiple times at different locations, distribution of gifts to voters, allowing unregistered voters to vote, and preventing registered voters from voting. These undemocratic practices were widely and frequently used throughout the country. In a 2011 election for State Duma, Chechnya reported a 99 percent voter turnout rate with 99.5 percent of those votes in favor of United Russia (the Party of President Putin). Despite only having 608,797 registered voters at the time of election, Chechnya reported that 611,099 ballots had been cast. During the 2012 Presidential election, Putin allegedly won 99.82 percent of the vote in Chechnya. Contradictory to his apparently favorable standing among Russian voters, over 30,000 protestors rallied in Moscow after the election.

As more citizens gained access to the media, government officials used this mode of communication to build up certain campaigns and candidates while silencing others. Pro-regime candidates received more coverage from television and print media and the coverage that minority candidates did receive was often negative and inaccurate. These candidates also faced other obstacles including disqualification for menial reasons, denial of applications for rallies, and restricted access to media of any type.

Over the years, the political rights of citizens were increasingly limited due to a series of legislative actions from the Putin administration. In 2013, the Justice Ministry suspended independent election monitor GOLOS' registration as an NGO and evicted the group from their offices. Human rights watch groups suspect that this was an effort to distract the group from election monitoring. In 2014, the President abolished mayoral elections in many major cities in an effort to streamline the government and accumulate more influence. Also during this year, the "foreign agents" policy banned those organizations from taking part in the election process. Since many of these organizations were created to monitor corruption and human rights abuses, they were no longer able to oversee and report on violations that took place during the election cycles. Additionally, the Central Election Commission eliminated the use of video monitoring at polling stations claiming that it was an unnecessary expense. Observer groups claim that this decision was actually made to prevent the detection of fraud at polling places. As a result, by 2016 over 1,800 reports of alleged election-day violations were received by observer groups. Concerns also began to rise over the treatment of organizations and opposition figures by pro-government individuals and groups. Physical and economic threats were made against these groups in attempt to intimidate them and in several cases, authorities went as far as to conduct raids of campaign offices where they planted incriminating materials or seized materials and important equipment to hinder campaign progress and operations.

The Russian government's role in interfering with the sanctity of the democratic process is one of many examples of how deeply and systematically corruption runs within the nation. The criminal acts and behaviors outline in the Magnitsky Act are not being perpetrated by a select few persons in Russia but are rather occurring at all levels of society and to all degrees of extremity. Therefore, the targeted economic sanctions and travel bans of the Magnitsky Act are

unlikely to exact mass change since they are not targeted towards the largest proponents of corruption and human rights violations.

Official Corruption

In regard to official corruption and the lack of transparency within Russia, the nation experienced a rather pervasive problem involving all levels of government. The State Department lists several manifestations of corruption in Russia such as bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, extortion, and improper use of official position to secure personal profit. While the law provides criminal penalties for corruption, there is a general lack of enforcement from officials. In 2011 the Ministry of Internal Affairs estimated the average amount for commercial bribes in Russia to be 61,000 rubles which tripled the previous year's figure. In 2016, that number grew to over 654,000 rubles proving that the economic sanctions have had little effect on the systematic corruption taking place in this nation. Every year the Global Competitiveness Report compiled by the World Economic Forum cites corruption as the most problematic, high-risk factor for doing business in Russia. In the years 2014 and 2015 alone there were over 57,000 reported cases of corruption registered by the Prosecutor General's Office. Due to inconsistent enforcement of anticorruption polices as well as the adoption of liberal legislation during the years, systematic corruption has increased dramatically.

For example, there is currently no specific anticorruption agency assigned to investigate and prosecute corruption. Instead, when a whistleblower such as Sergei Magnitsky complains about official corruption, the government official who is the subject of the complaint is often asked to investigate the claim. This practice frequently leads to retaliation against the whistleblower, including criminal prosecution, and no charges pressed against the actual culprit.

There also remains to be no legal procedure in place to protect whistleblowers who report on corruption. Adding to the problem, in 2015 the government passed a law that reduced fines for receiving a bribe from 25 times the size of the bribe down to 10 times and reduced fines for providing a bribe from 15 times the size of the bribe down to five times. By reducing these fines, the government is essentially encouraging individuals to participate in acts of corruption. This law specifically aids government officials who, in the unlikely event that they are caught, will face less retribution for their crimes. Government officials are frequently given a free pass when it comes to corruption. According to Russian law, the public must have access to government information such as the financial activities of federal executive agencies. However, several watch groups noted that only 40 percent of the required information was ever published in a given year.

While acts of corruption are a fairly regular occurrence in Russia, when large scale events like the Winter Olympics in Sochi take place, the practice drastically increases. According to Boris Nemtsov, in 2014 between \$25 billion and \$30 billion of public money was pocketed by government officials. The initial estimated cost of the Olympics was \$12 billion but this number was quadrupled by officials in the construction industry through false or misleading reports. It is estimated that a third of the final \$50 billion budget was lost to corruption. While the government and society's elites reaped the benefits from this operation, the most vulnerable populations in Russia were further exploited with increased violations of workers' rights.

The act of corruption, both on individual and systematic levels is perhaps the forefront principle of the Magnitsky Act. In the act as well as in the congressional hearings about the act, it was determined that the human rights abuses experienced by Sergei Magnitsky while in prison were a result of corruption, not only regarding the scheme he discovered but also the tactics used to cover up Sergei's death and detention. It is also noted throughout the Human Rights Reports

that corruption is one of the most prominent issues in Russia at all levels of society. Therefore, rate of corruption can be rationally used as a measurable indicator of whether or not the Magnitsky Act has fulfilled its purpose. As illustrated by this section, the rate of corruption has increased substantially leading to the conclusion that the efforts to quell the practices and behaviors have not sufficed.

NGOs and International Investigative Organizations

One strategy used by the Russian government to suppress oppositional opinions in the public and to prevent international interference is the restriction of nongovernmental organizations (NGOs) and international investigative groups' abilities to operate in the country. Before the implementation of the Magnitsky Act, human rights organizations faced harassment in the form of investigations and raids. These groups acted very cautiously about accepting foreign aid but for the most part they were able to conduct business with only moderate amounts of resistance from government authorities and civilian groups. This disdainful attitude against NGOs and other outside groups began to change once the U.S. government began publicizing work on the Magnitsky Act.

In 2012, the "foreign agents" law and the Dima Yakovlev Act went into effect, drastically effecting the abilities of NGOs, especially those concerned with human rights issues and corruption schemes. Nearly all political activity was banned under these laws for groups that received foreign funding and support as well as for those with dual U.S. citizen members. Additionally, laws on extremism and libel were employed more heavily, further limiting the influence NGOs had had. Government authorized harassment increased, and many authorities refused to cooperate with NGOs that were critical of their activities. Groups dedicated to work in the North Caucasus regions reported numerous threats and intimidation by law enforcement.

The term “foreign agent” quickly became associated with espionage and therefore stigmatized any group burdened with the label. Starting in 2013, authorities used the law to justify increased amounts of inspections of NGOs as well as threats, prosecution, convictions, or closure of certain groups. On September 9th, President Putin referred to human rights groups and their activities as “anti-Russian” claiming that their work was unpatriotic and detrimental to national security. When groups refused to register themselves as “foreign agents”, the government began to change the status themselves. By the end of 2014, 28 NGOS were listed in the national registry and at the end of 2016 over 150 NGOs had been added. Also during 2014 in an effort to cut back on foreign interference, the government increased the amount of governmental aid for NGOs by 250 million rubles. Many rightfully worried that accepting this funding would limit the operational independence and ability to voice concerns and criticism. A year later, many NGOs on the foreign agent list reported that the government had denied them federal funding due to the sensitive matters they investigated. In fact, only 3 of the 112 NGOs with the label were given federal assistance during the year.

In 2015, President Putin implemented the Russian Undesirable Organizations Law that gave prosecutors the power to extrajudicially declare foreign and international organizations “undesirable” and to shut them down. The NGO Committee against Torture was one of the first groups to be affected by this law as they were forced to shut down after accusations of “undermining the constitutional order of the Russian Federation, calling for the overthrow of the current government, a change of political regime in the country” by the Ministry of Justice. Those organizations that were allowed to remain open were constantly harassed by government officials and pro-government civilian groups. Terms such as “foreign agent” “political agent” and “fifth column” were used regularly in official speeches and publications from the

government to increase the stigmatization of opposition politicians, human rights activists and their so-called “destructive purposes”.

The effect of this propaganda and the legislation it sparked was widely felt throughout the nation. Many organizations closed during the years due to mounting pressure or direct action from the government and even more were rendered useless in the protection of human rights. Equally detrimental was the decline in quality of human rights defenders within the Russian government. In 2016 Ella Pamfilova resigned from her position as Human Rights Ombudsman and was replaced by Tatyana Moskalkova who made a statement that “human rights issues have been actively used by Western and American bodies as a weapon of blackmail, speculations, threats, attempts to destabilize and exert pressure on Russia”. After this speech it became very clear that this office was merely a pawn of the regime rather than an office legitimately dedicated to its citizen’s rights. Before resigning, Pamfilova released a report noting that during 2015 the Ombudsman’s Office had received 64,189 complaints from citizens and state organizations regarding the state of human rights in the country. This is an alarming increase from 2013 when there were only 23,640 complaints of this nature. Without independent organizations to report of the human rights violations and acts of official corruption, these crimes were allowed to continue and those responsible were only emboldened.

In addition to identifying persons responsible for extrajudicial killings or torture, section four, subsection (a) of the Magnitsky Act also seeks to identify those responsible for violating the human rights of those seeking “to obtain, exercise, defend, or promote internationally recognized human rights and freedoms such as the freedoms of religion, expression, association, and assembly and the right to a free and fair trial and democratic elections”. The foreign agent and undesirable laws that went into effect after the act provide evidence that the Russian

government and societal elites are unwilling and uncommitted to uphold fundamental human rights. In fact, the act has made the Russian government more determined than ever to silence whistle-blowers and protectionist groups alike.

Discrimination and Societal Abuses

The sixth section of the yearly report by the U.S. State Department relates to the discrimination against numerous populations in Russia such as women, children, minorities, persons with disabilities, and members of the Lesbian, Gay, Bisexual, Transgender, Queer community (LGBTQ). Russian law prohibits discrimination based on race, religion, language, social status, and other circumstances yet the government very rarely enforced these prohibitions. Instead, several policies and events took place between 2011 and 2017 to restrict the rights of these marginalized individuals.

Statistics from 2013 show that while women were the victims of only 43 percent of all crimes, they were the victims of 63 percent of crimes committed in the home, 73 percent of the victims of crimes committed by family members and victims of 91 percent of crimes committed by a spouse. According to the same Internal Affairs report, over 70 percent of these victims did not seek help and 97 percent of domestic violence cases never reached a court. The cases that were reported were frequently dismissed or transferred to a reconciliation process conducted by a “justice of the peace” who focuses on preserving the family. Domestic violence in particular is a major problem for Russia. It has been reported that one third of women in the country were subject to physical spousal abuse during these years. In 2011 there were 21,400 reported cases of domestic violence and in 2016 there were over 31,000. At least 14,000 women die each year in Russia to domestic violence in their homes as of 2014 which is a 2,000 person increase from 2012. There are several reasons that women in Russia do not report the abuse they experience at home.

Firstly, law enforcement officials regularly advise them against making claims and often don't investigate unless they believe the woman's life is directly in danger. Secondly, there is no legal definition of domestic violence in the criminal code so unless there is physical assault involved, many courts will not prosecute. Thirdly, there are very few services available to women who chose to leave their husbands. According to the ANNA Center, there were only 23 women's shelters across the country totaling less than 200 beds for women at any given time.

Additionally, it is common practice for the husbands to gain full custody of children in divorce cases so many mothers stay to protect their families. In 2017, president Putin signed a law that made beatings by close relatives an administrative rather than criminal offence. The sponsor of the law said "[women] don't take offence when they see a man beat his wife...a man beating his wife is less offensive than when a woman humiliates a man". This same law allows parents to beat their children so long as the beating does not cause hospitalization.

Other crimes against women that were not only allowed but approved by the government during these years were female genital mutilation (the law does not prohibit), sexual harassment (the law does not prohibit), honor killings where men are permitted to kill their wives or female relatives for disobeying, bride kidnappings, limited access to birth control, and discrimination in the workforce. As of 2014, there was a list of 456 occupations where employers could legally exclude women. As in the U.S. a widespread gender pay gap exists forcing women to depend on a spouse for financial aid.

Crimes against children were also widespread and increased significantly during the time period. Although education was free through grade 11, authorities often denied school access to children of refugees, asylum seekers and migrants as well as minorities like Roma. In 2015 there were over 102,608 minors recognized as victims of a crime which is a 10 percent increase from

the previous year. These crimes include sexual abuse which increased 20 percent in the year, negligence by parents (440,000 cases), enabling alcohol or drug abuse (1,400 cases), and physical abuse of a child (11,900 cases—2,500 fatalities). According to the NGO Foundation of Assistance of Children in Difficult Life Situations, between 2,000 and 2,500 children die every year from domestic abuse and 2000 children commit suicide.

Children, especially homeless children and orphans were often sexually exploited. Russian law prohibits the manufacture, distribution, and procession with intent to distribute child pornography, yet no legal definition of the term existed until June of 2016. Despite the newly established definition, authorities consider child pornography to be a serious concern in the country. Approximately 15 percent of the 45,700 links shut down by Roskomnadzor in 2014 (an internet monitoring group) were related to child pornography. Despite this unnervingly high number of websites, in 2014 the Russian government had only opened 247 cases related to child pornography.

Overall, injustices against children increased during these years. In 2011 there were 120,000 orphaned children, 200 children on average were taken away from neglectful parents each day and over 600,000 children were located in various types of institutional and foster care systems. The NGO Children's Rights estimated that in 2011 40,000 children ran away from home to escape neglect and abuse and 20,000 orphans fled for similar reasons. In 2013, as a result of the Yakovlev Law, there were 198,000 orphans in the country. In 2014, over 53,000 children had run away from their homes, a 22 percent increase from the previous year. In some cases, (652 reported cases as of 2014) children who misbehaved in orphanages or foster homes were sent to psychiatric facilities. Homeless children and orphans often engaged in criminal activities, received no education or health care, and were especially vulnerable to substance

abuse and abuse from other civilians. There were numerous reports of law enforcement officials abusing street children, blaming them for unsolved criminal cases and committing illegal acts against them such as extortion, detention and psychological violence.

Minority populations were also especially vulnerable to abuse and harassment from law enforcement, civilians and other groups in the nation. Every year, racially motivated violence took the lives of at least 20 people and injured at least 150. The most targeted groups were Central Asian, African, Romani and Muslims. Anti-Islam and Skinhead groups terrorized communities and individuals through acts of vandalism, verbal and physical abuse, and racist rallies with very little if any punishment from law enforcement. In 2011 it was estimated that 200,000 individuals nationwide belonged to some type of neo-fascist, radical nationalist group. Even the administration targeted minority groups during the years. In 2015 there was a violent clash between police and residents of a Romani settlement in Tula over access to a gas pipeline running through their community. Then in 2016, 118 Romani homes in Tula were demolished as a result of the protests. The abuse continued into 2017 when troops bulldozed 22 more homes in the community while local civilians and news outlets used anti-Romani rhetoric.

Another targeted group of people in Russia are those with physical or mental disabilities. These citizens faced discrimination and denial of equal access to education, employment and social institutions. Authorities did not enforce laws requiring building and public services to be accessible to people with disabilities. Only 19 of the 189 train stations had elevators in 2013, only 54 percent of public buildings were accessible, as were only 40 percent of busses and 25 percent of trolleys. Because of these restrictions, many people with disabilities were confined to their homes or hospital care. Only 9 percent of persons with disabilities held a permanent job. Also alarming is the treatment of children with disabilities.

Since only 3 percent of schools in the country could accommodate these children, of approximately 450,000 school aged children with disabilities only 250,000 received an education. Of those who did, 140,000 attended “regular” schools, 40,000 were taught at home and 70,000 attended special schools. While children with disabilities only account for 2 to 3 percent of the population, 45 percent of these children were institutionalized. These children were often abused or neglected, and several reports indicate that the treatment resulted in the deaths of many children. Once a person with a disability enters the system, they are branded with the label “idiot” or “imbecile” that follows them through life often making it difficult to gain employment, housing or benefits. These labels are typically designated during early childhood and are irrevocable. This was made worse in 2016 when President Putin created a federal register for disabled persons.

The last marginalized group to be included in the State Department reports is the LGBTQ community. In most nations, individuals from this group suffer from societal stigma and discrimination. In Russia, abuses against LGBTQ members were especially rampant and harmful. A majority of these individuals hid their orientation due to fear of losing their jobs, their families and even their lives. Those who were actively open about their sexuality were frequent targets of skinhead aggression that was never punished by law enforcement. Rather, many law enforcement officials targeted and harassed openly gay or suspected gay individuals. Every year Moscow refused to allow gay pride parades despite the ECHR rulings that say this type of ban violated the freedom of assembly. One website GayRussia.eu claims that instead of allowing these parades, Russian authorities grant permission for anti-gay rallies calling for the criminalization of homosexuality. In 2013, President Putin signed the law criminalizing the “propaganda of nontraditional sexual relations” to minors limiting the rights of free expression

and assembly. The banned “propaganda” includes materials that “directly or indirectly approve of people who are in nontraditional sexual relationships”. After this law, many LGBTQ individuals as well as allies were arrested and targeted for their statements. Violent attacks happened often including the 2016 abduction and torture of over 100 gay men in Chechnya. Transgender individuals also faced severe discrimination in nearly every aspect of life. Even though the law allows for a person to change their gender on government documents, very few civil registry offices allowed the requests. Transgender individuals were often held in prisons with members of their biological sex rather than the gender they identify with causing mass amounts of abuse. These individuals were also targeted at the same or higher rates by skinhead groups and law enforcement.

As further evidence that the Magnitsky Act has not improved the human right conditions in Russia, this section—as well the previous sections analyzing the Human Rights Reports—proves that the most vulnerable populations in society have faced increased rates of abuse while their abuses are emboldened through legislation and actions of their government. Despite the efforts of the U.S. the Russian government has yet to take notable steps towards improving the welfare of its citizens and has instead repeatedly oppressed, degraded, and dehumanized them.

Workers’ Rights

The seventh and final way in which the U.S. State Department measures the human rights of a nation is by the rights enjoyed by workers including: the freedom of association, prohibition of forced labor, prohibition of child labor, freedom from discrimination with respect to employment, and the right to acceptable working conditions. These rights are considered to be a fundamental aspect of any industrialized society especially one with such a large working class

as Russia. However, just as in the previous six categories of human rights, Russia failed to protect and promote the rights of its citizens and actively contributed to their deterioration.

Russian law provides workers the right to join and form independent unions, conduct strikes and to bargain collectively; however, several policies have severely restricted these rights. Active members of the military, civil servants, customs workers, judges and prosecutors, and persons working under civil contracts are excluded from the right to organize. Strikes in the emergency response services and essential public-service sectors such as transportation are also outlawed. Additionally, strikes on issues relating to state policies and solidarity strikes are not allowed. In the small percentage of strikes that are allowed by federal law, many are denied due to extensive legal requirements that infringe upon worker's abilities to organize. The legal process involved in authorizing a strike takes at least 40 days to complete. Furthermore, individuals who join in or organize strikes are often pressured by employers not to participate at the risk of losing their jobs. Several labor groups have also noted that police forces regularly interfere with citizens' rights to strike through means of intimidation.

Of the issues that compel citizen groups and labor unions to go on strike or to protest, forced labor and child labor rank high on the list. The industries that were most likely to use forced or child labor were construction, textile, and agriculture. In each of these sectors, men, women and children—typically from foreign countries—faced poor conditions with insufficient meals and housing, improper instruction, abusive and exploitative employers, and unacceptable wages. In 2012, it was estimated that between 8 and 12 million migrant workers were in the country. Since these individuals were not citizens of Russia, the only work they could acquire involved the previously mentioned sectors. Under a state-to-state agreement, approximately 20,000 North Korean citizens were sent to Russia each year under conditions of forced labor.

Many of these individuals ended up working in construction projects for the Winter Olympics of 2014 and the 2018 World Cup. In the first half of 2016, the Ministry of Internal Affairs registered 262 cases of human trafficking or use of slave labor.

In general, children were more protected in regard to working conditions than adults were. However, between 2011 and 2016, there were 11,898 reports of child labor violations. In urban populations, children were typically employed in construction and informal sectors such as retail services, washing cars, delivering items, and selling goods on the streets. Children in rural areas more commonly worked in agriculture. The most common violations of rights included the absence of written labor agreements, use of minors in harmful and unsafe work, and excessive hours. The Federal Labor and Employment Service (RosTrud) often classified violations of child labor laws as administrative offenses that were punished by insufficient fines.

Between 2012 and 2014 RosTrud inspectors found 1,757,200 labor violations with a large portion coming from 2014 due to construction on projects for the Winter Olympics. Russian labor codes provide regulations for standard work hours, overtime, and annual leave as well as minimum wage and standard conditions for work, yet the government was ineffective in enforcing these laws in either the formal or informal sectors. The most vulnerable populations of workers were undoubtedly migrants who were more likely to be subjected to forced labor, discrimination, and hazardous or exploitative working conditions. While there were some improvements in the overall quality of working conditions, during the time period, Russia consistently failed to protect and promote the rights of its people and the rights of workers from other countries.

In regard to the Magnitsky Act, it is apparent that the legislation is not enough to prevent human rights violations. When it comes to workers' rights, the U.S. appears to have a

contradictory interpretation of how best to prevent abuses and violations. It is a widely-known phenomenon that when a city is chosen to hold a large-scale sporting event, the rate of human rights abuses in said city will undoubtedly rise as a result of various factors including displacement, restriction of the freedoms of speech and assembly as well as questionable and dangerous guidelines for workers. This is illustrated by the 2016 Olympics in Rio de Janeiro, Brazil. Despite this information, the U.S. as a member of both the International Olympic Committee and FIFA Council, approved Russia's bid for the 2014 Olympics and 2018 World Cup. Had these events not taken place in Russia, it is likely that the increase in worker's rights violations during these years would not have been as great.

SOLUTIONS

The purpose of the previous pages of analysis was to illustrate how human rights in Russia have changed since the implementation of the Magnitsky Act. It is evident that in nearly every category under the umbrella of human rights, conditions have worsened—in some cases substantially—since the first round of targeted economic sanctions. Given the complexity of the situation and the multitude of factors that impact human rights, it is impractical to conclude that the Magnitsky Act in itself is the only cause of this phenomenon. However, it is more than fair to conclude that the Magnitsky Act has been unsuccessful in its intended purpose of promoting human rights and ending systematic corruption.

Supporters of the act argue that the sanctions have not been given enough time or been used against enough people to know whether or not they have made a positive impact. In the six years since the act was passed, hundreds of thousands of people have been abused, degraded, exploited and even killed at increasing rates without a change in legislation from the Russian government. These six years have been enough time for President Putin to retaliate against the

U.S. and to implement more repressive and restrictive laws. If a positive change were going to happen as a result of the Magnitsky Act, it would have happened already.

Another argument in support of the act is that the greatest indication of success has been the effect the legislation has had on President Putin. It is true that the President and his administration have been greatly angered by the passage of the Magnitsky Act. This is evident the Dima Yakovlev Law as well as by their interference in the 2016 U.S. Presidential Election. However, what has made President Putin so upset is not the effect the act has had or could have but the message behind the act. From the perspective of Russia, the Magnitsky Act is yet another way for the U.S. to exert power and influence over the domestic affairs in Russia. Russia has long been resentful of U.S. efforts to interfere in the sovereignty of the nation and the Magnitsky Act is a continuation of this problem. President Putin will not bend to the will of Washington and be pressured into adopting pro-western standards. While it is justified and appropriate for the U.S. to attempt to better the conditions of human rights and to eliminate systematic corruption in Russia, the solution Washington has utilized has been tried and failed for many years with a very low success rates. Instead of relying on an outdated method to combat a modern problem, the U.S. should investigate alternative solutions to protecting human rights and punishing those who violate them.

From the U.S. State Department reports, it is clear that the majority of human rights violations are being executed by government and other officials at the local, state, and national levels rather than the few individuals that the U.S. government has thus far sanctioned. One alternative to solve the menial amounts of sanctions that have actually been issued would be to sanction the Russian government rather than go after target individuals. However, as the most recent economic research shows, sanctioning countries with the intention of improving their

human rights actually worsens them in the long run (Pesken, 2009). Therefore, a sanction on Russia as a whole is not an efficient option. Instead, law makers in the U.S., as well as the Treasury Department and the State Department, should focus on simplifying the sanctioning process to allow for more immediate action and a large scope of influence.

One of the greatest weaknesses of the act is the lack of follow through in regard to actually issuing sanctions. This is because the process of getting an individual on the Magnitsky list is incredibly cumbersome. According to Bill Browder, in order to sanction an individual, there must be overwhelming evidence that they did in fact violate human rights or participate in acts of corruption (How to Get Human Rights Abusers and Kleptocrats Sanctioned Under the Global Magnitsky Act, 2018). This is difficult to prove considering that most of these events are not documented or verifiable. Even bringing a name to the investigative committee requires a certain burden of proof that is often just not there. Documents that do exist, such as police records, typically do not reflect the truth of the events. These documents can also be changed or forged to cover up criminal activity. Another administrative issue with the act is that there are not enough resources allocated to the investigative process, reducing the potential effect the sanctions could have if they were more widely executed. These flaws help explain why in the six years the act has been in effect, only 49 individuals have been sanctioned. Part of the appeal of the Magnitsky Act was that the amount of sanctions issued would be a sort of deterring factor against further objectionable behaviors. However, this has not been the effect and the behaviors have continued in spite of the act. Simplifying the investigative process by allocating more resources and providing more opportunities for individuals and groups to report on abuses could make the act more impactful in the long run.

Another solution that could be used in conjunction to the Magnitsky Act to increase the impact is to limit the opportunities for Russia to increase human rights violations. During the seven years of reports by the State Department, several events triggered increased the amount of violations that took place. These events were the annexation of Crimea as well as the 2014 Winter Olympics in Sochi and the 2018 FIFA World Cup. While the human rights report for 2018 has not yet been released, the years leading up to the event were marked by an increase in workers' rights violations related to construction as well reduced freedoms of speech and expression relating to protests and rallies. In order to prevent these increases, Russia should not be allowed to host such large-scale events. The international community should not be celebrating or encouraging a nation with such poor human rights and enabling the government to commit even more atrocities against vulnerable populations in the nation.

A third solution to the problem of the effectiveness of economic sanctions is to change the method of sanctioning from negative to positive. David Baldwin defines positive sanctions as, "actual or promised rewards" in context this means that the U.S. would offer Russia certain benefits as an incentive for improving its human rights record rather than take away benefits as with a negative sanction (Baldwin, 1971). Historically, this method has not been utilized as a form of coercion and there is little research done on the effectiveness in comparison to negative sanctions. In an article about criminality, Arie Freiberg says, "the strength of the modern state now seems to depend less on the state's powers of coercion than upon its ability to satisfy the material demands of its citizens" (Freiberg 1987). It can also be said that the strength of a modern country depends upon its ability to satisfy the material demands of its enemies. From that interpretation, positive sanctions which are individualized to satisfy the targeted nation's needs, are a more effective method of exacting change from a problematic regime.

CONCLUSION

The Magnitsky Act of 2012 was created to punish individuals who had violated human rights or were involved in systematic corruption in Russia. The act is named after Sergei Magnitsky, a Russian tax attorney who uncovered a large-scale corruption operation and was subsequently arrested, neglected, beaten, and left to die inside a pretrial detention facility. Under this act, anyone directly involved in the crime Magnitsky uncovered or involved in his unlawful arrest, detention and death would have their assets frozen by the U.S. Department of the Treasury and have their visas denied or revoked by the U.S. State Department. The act was amended prior to becoming a law to more broadly effect any human rights abuser or participant in mass corruption in Russia.

In the six years since the Magnitsky Act was implemented, there has been relatively little economic impact on the targeted parties. This is due to the fact that in the modern world there are numerous ways to side-step economic sanctions including sanction-busters, cryptocurrencies and illegal methods of obtaining money and visas. These sanctions have also been ineffective because the difficult process of sanctioning individuals has resulted in only 49 sanctions/travel bans.

One way in which these asset freezes and travel bans have had an effect has been in aggravating the relationship between Russia and the U.S. This is caused by the Russian government's resentment of the U.S. interfering in the sovereignty and domestic affairs of the nation. This issue stems from the rather disastrous effects that globalization had on the economy, politics and social structures of the country during the 1990s. Globalization has since become associated with Westernization and the extension of U.S. influence in the global community. To

combat this perceived threat, the Russian government has adopted a strikingly anti-Western attitude that effects both foreign and domestic policies.

While President Putin and his administration continue to promote nationalistic and anti-Western propaganda in Russia, the conditions of human rights are crumbling under the repressive regime. These rights, separated into the categories of freedom from unlawful deprivation of life, freedom of expression, political freedom, freedom from corruption, freedom for nongovernmental organizations to investigate and report, freedom from discrimination and societal abuses, and workers' rights, have been infringed upon in alarming ways and at increasing rates since the adoption of the Magnitsky Act. From the yearly reports conducted by the U.S. Department of State through NGOs and other human rights watch groups it is evident that the U.S. legislation has not improved human rights in any meaningful way.

Protecting these rights and preventing corruption at all levels is of the highest concern for U.S. policy makers. Since the current solution has proven inefficient, it is time to research and implement alternative solutions such as positive sanctions, addressing administrative issues within the legislation and taking active steps to prevent further abuses from occurring. With human lives and the rule of law at risk, policy makers and government officials in both nations should be doing everything within their power to make substantial and lasting improvements. To change the harmful policies in Russia, it is first crucial to change the message of Magnitsky from punitive to proactive. By improving the Russo-American relationship, the U.S. will have a more conducive foundation of diplomacy, rather than hostile tension, to open communication on human rights. This action should not be interpreted as an act of submission to the Russian regime but rather an opportunity to protect U.S. interests and foreign policies with Russia.

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