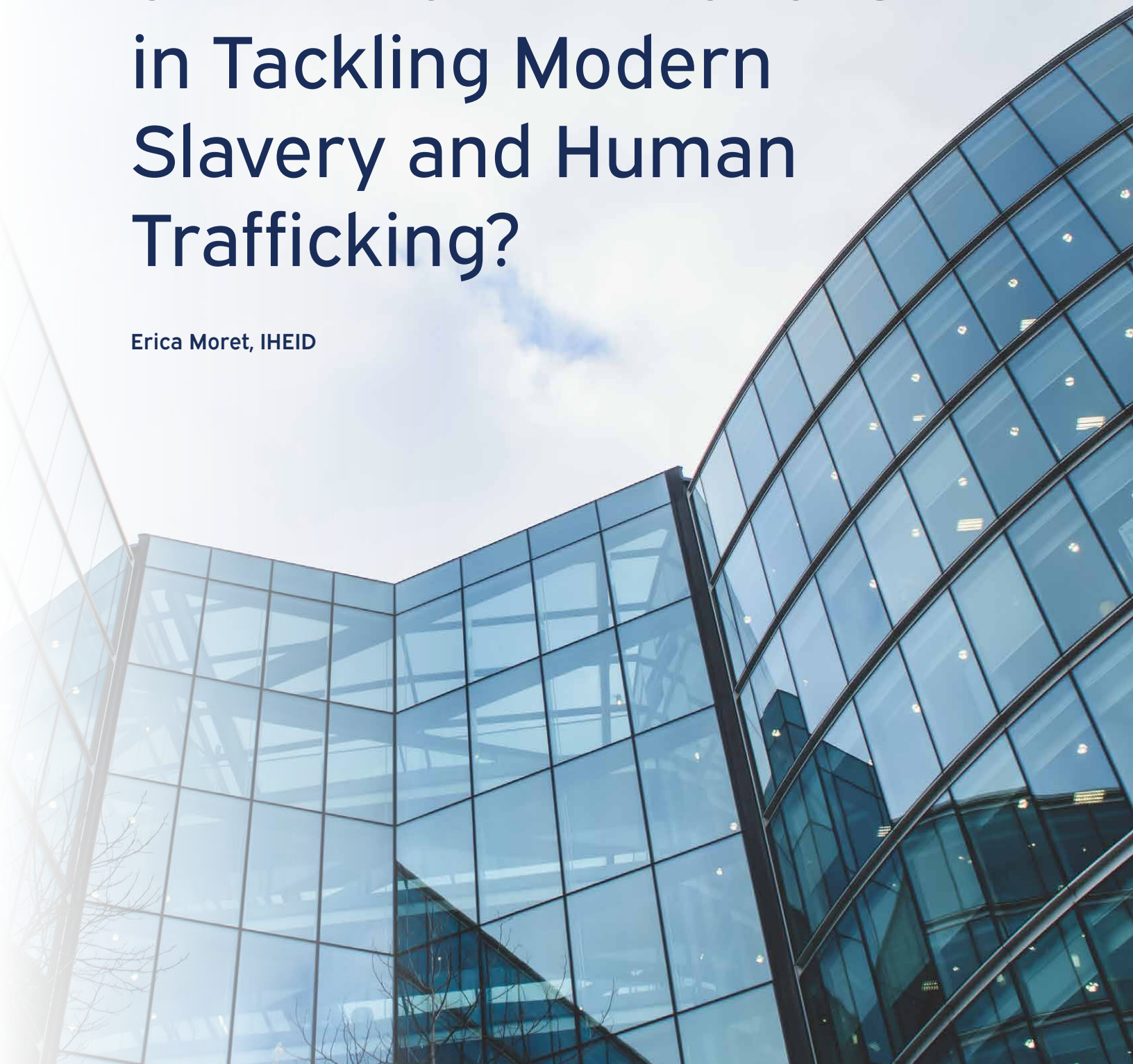


What is the Role of Financial Sanctions in Tackling Modern Slavery and Human Trafficking?

Erica Moret, IHEID



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Executive Summary

No country in the world is immune to the devastating impacts of modern slavery and human trafficking. Representing one of the world's most profitable criminal enterprises, it generates some USD 150 billion per year.¹ Addressing the financial angle of these gross human rights abuses is recognized as an essential approach in tackling the problem. The engagement of the financial sector, alongside the use of several financial-related policy instruments, play a vital role. This includes measures to counter money laundering and the financing of terrorism.²

To date, the UN has only used targeted sanctions in a limited number of cases in relation to modern slavery and human trafficking. Going a step further, a number of other actors, including the US, EU, UK, Canada, and Australia, have employed their own autonomous (or unilateral) sanctions to tackle the global challenge, or have started to develop legal frameworks to allow for their eventual employment. These are measures that either supplement multilateral – UN – sanctions, or are imposed entirely separately.

However, the use of these types of sanctions to tackle modern slavery and human trafficking is not yet widespread or particularly hard-hitting. When used, they are largely limited to asset freezes and travel bans. Some do not reference modern slavery and human trafficking outright, but instead address the problem under broader umbrella terms such as human rights or conflict resolution. Furthermore, such measures do not yet involve some of the more sophisticated financial sanctions that have been developed elsewhere in recent years. Clear policy communication is also lacking on the overarching strategies underlying the current use of some sanctions to tackle modern slavery and human trafficking. It is also not yet clear whether these sanctions are intended to seriously disrupt trafficking networks, rather than occupying less ambitious, more symbolic functions such as “naming and shaming.” There are also major gaps regarding enforcement, political will, capacity, and engagement across sectors.

This report, commissioned by the Finance Against Slavery and Trafficking (FAST) initiative at United Nations University Centre for Policy Research (UNU-CPR), is based on 18 anonymized semi-structured interviews with officials from the UN, US, EU, UK, and Canada, financial institution representatives and experts on sanctions, modern slavery and human trafficking, transnational organized crime, supply chains, and corporate governance. These interviews were conducted between 15 December 2021 and 4 March 2022. This study is also based on desk research, including on existing sanctions regimes, relevant legislation and academic/policy studies. Finally, it benefited from consultations with 12 academic, think tank and financial sector experts.

Key findings are as follows:

- UN sanctions to tackle modern slavery and human trafficking:** Currently, sanctions are not used with any great frequency to address modern slavery and human trafficking by the UN. It employs a handful of listings relating to modern slavery and human trafficking under a variety of different mechanisms and listing criteria. This includes a small number of cases in sub-Saharan Africa as well as those under the UN's counter-terrorism sanctions regime. In each case, only certain aspects of modern slavery and human trafficking are mentioned, e.g. recruitment and use of child soldiers, and only sometimes as the actual reason for designation, often under broader umbrella terms. A key challenge relates to enforcement and support from governments and law enforcement agencies in host countries. The UN's rationale for using sanctions to tackle modern slavery and human trafficking is poorly communicated at present. The wording in many United Nations Security Council resolutions allow for greater use of modern slavery and related listings, but would likely be limited by political appetite. Furthermore, they are only likely to be used under existing sanctions regimes, limiting geographical coverage to cases in some parts of Africa under country-based regimes, in some parts of the Middle East, Africa and Central Asia under the counter-terrorism sanctions regimes, and in the Democratic People's Republic of Korea (DPRK) under the non-proliferation regime. They are also likely to only be used in contexts that can be linked to the core aims of the UN Security Council, particularly relating to peace and security. For example, in cases where modern slavery and human trafficking's financial proceeds are fuelling a conflict or acting as a spoiler in conflict resolution or efforts to sustain peace. Prior experience suggests that autonomous sanctions adopted by the US, EU, and others could have scope to spur further UN action in this realm and/or to supplement existing measures. The International Labour Organization (ILO) has also used its own sanctions on occasion to tackle the problem, though its future use of such measures does not look likely to grow.
- US sanctions to tackle modern slavery and human trafficking:** Outside the UN context, the use of sanctions to tackle modern slavery and human trafficking is most widespread in the US, sometimes used to supplement UN sanctions but more commonly imposed completely unilaterally in close collaboration with other autonomous sanctions regimes. The US is unique in that it has made long-standing use of sanctions that focus on transnational organized crime, corruption, and narcotics trafficking, particularly in Latin America. It is also able to enforce sanctions more assertively than other autonomous sanctioning actors. This is important in the context of modern slavery and human trafficking, where close engagement with law enforcement agencies is deemed vital. Like in the UN context, current listings are spread across a mixture of country-based and thematic sanctions regimes. They also include examples where targets are listed under broader umbrella terms rather than directly in relation to modern slavery and human trafficking activities. Its current coverage of targets under sanctions is far broader than that of the UN and other actors, spanning across the globe. The US also makes use of other related tools, such as import restrictions and non-humanitarian/non-trade funding conditionality, which can be considered *de facto* sanctions. The US cites tackling modern slavery and human trafficking as a national security priority. However, it does not yet communicate a concerted sanctions strategy to address the problem across the full range of sanctions regimes. The US' future use of sanctions to address modern slavery and human trafficking is likely to be concentrated under the thematic human rights and transnational organized crime sanctions regimes.³
- Other autonomous sanctions regimes to tackle modern slavery and human trafficking:** The use of sanctions to tackle modern slavery and human trafficking in an autonomous capacity is not yet widespread but is starting to grow to varying degrees, among some of the other major sanctioning actors on the world stage, namely the EU, UK, Canada, and Australia. A small number of listings have been employed by these actors to date. This is done largely through their newly created thematic human rights sanctions regimes, with further scope for inclusion in the recently formed corruption sanctions regimes of the UK, Canada, and Australia. The EU is also exploring the introduction of mandatory human

rights and environmental due diligence legislation on firms, which – if approved, in time – could lead to improved collaboration with European financial institutions in tackling modern slavery and human trafficking. Discussions are also underway regarding the use of an EU import ban on goods produced by forced labour. As is the case with sanctions practice elsewhere, these actors will likely take their cue from the US when adopting measures against new sanctions targets.

- **Coordinated action:** Sanctions scholarship shows that a coordinated approach across various sanctioning actors can improve their effectiveness and help close gaps that could allow for new modern slavery and human trafficking networks to spring up (diversion). *Ad hoc* collaboration on autonomous sanctions is the norm across many sanctions regimes, including the US, EU, UK, Canada, Australia, and Japan, yet no formal mechanisms exist to allow for more systematic joint planning, monitoring, or assessment across all sanctions regimes. A more strategic and joined-up approach – sovereignty concerns notwithstanding – could help to maximize their ability to seriously disrupt networks, while minimizing unintended consequences. This could include the use of existing sanctions regimes in many cases, including those on countries or on thematic grounds. Consideration could also be given as to whether any other regional organizations could be encouraged to employ sanctions against their own members in relation to modern slavery and human trafficking considering their use of sanctions in other contexts, for example, the Organization for Security and Co-operation in Europe (OSCE), the Africa Union or the League of Arab States. In light of the rise of autonomous sanctions around the world, a greater number of other countries might also be persuaded to join forces in implementing similar measures through recently approved legislative frameworks.
- **New thematic sanctions regimes?:** The creation of new thematic sanctions regimes focusing explicitly on modern slavery and human trafficking is not to be ruled out and could represent a powerful signalling tool, particularly if various sanctioning powers work in unison. However, there seems to be no appetite to do so at the UN. Instead, the most likely scenario for the time being would be to make use of existing criteria under country and thematic regimes to tackle various (but not necessarily all) aspects of modern slavery and human trafficking.
- **Mitigating unintended consequences and avoiding a de-risking vicious circle:** As in many sanctions regimes, consideration should be given to how to avoid some of the most commonly observed unintended consequences. This includes risks of legal challenges (requiring careful collection of evidence); risks of increasing or displacing corrupt and criminal practices; costs to domestic firms; risks of retaliation from State actors, such as counter sanctions and other countermeasures, cyberattacks, and military escalation; breakdown in diplomatic relations; impacts on global financial markets, and so on. Adding additional compliance requirements and risks of penalties to an already complex regulatory environment could also lead to overcompliance and de-risking. Perhaps the greatest risk, therefore, is that a vicious circle could ensue where financial institutions withdraw their services from certain countries in light of increased compliance requirements – “de-risking” – leading to financial exclusion, which in turn has been shown to fuel modern slavery and human trafficking. As raised by the World Bank in its 2021 report on financial institutions,⁴ a risk-based approach is thus needed regarding sanctions to ensure that adequate mitigation measures are in place to avoid exacerbating financial exclusion and, in turn, modern slavery and human trafficking. Many financial institutions already face resourcing strains in adhering to existing sanctions and wider anti-money laundering and countering the financing of terrorism (AML/CFT) requirements. This could be mitigated, in part, through close multi-stakeholder dialogue to help inform the planning of new sanctions, and related due diligence requirements, as well as providing guidance and support to reduce de-risking pressures. It could also be aided through the use of financial technology (FinTech) tools to assist these firms in playing a greater role in identifying targets for sanctions enforcement and implementing sanctions measures. It could also be assisted through

donor support, such as financial assistance to help cover the administrative costs required for enhanced due diligence and know your customer (KYC) processes. Another area that merits consideration is the impacts of other sanctions regimes on increasing the prevalence of, or vulnerability to, modern slavery and human trafficking.

- **Key gaps:** Several important gaps and challenges exist in the current approach that would need to be addressed collectively in order for a more sophisticated and strategic approach in using sanctions more regularly to address modern slavery and human trafficking. A first step is to systematically assess the impacts and effectiveness of existing measures in place, something that would benefit greatly from support from the sanctioning actors involved, considering the opaque terminology and unclear listing criteria in some instances. A second key area relates to more effective enforcement, including better collaboration with host governments and engagement with law enforcement agencies (not the norm in most existing sanctions regimes). A better understanding is also required regarding optimal combination with other policy tools, for example referrals to legal tribunals, mediation, policing, border force controls, and trade agreements. Close engagement with academia, think tanks, and survivor organizations would also be beneficial in identifying modern slavery and human trafficking networks activities and financial flows, including with regards to questions of supply and demand.

Key recommendations:

To optimize the effectiveness of sanctions in tackling the financial angle of modern slavery and human trafficking and to assist in restricting illicit financial flows, and ultimately trafficking networks, some of the following steps could be considered by the international community:

- **Conduct further research to inform sanctions implementation on modern slavery and human trafficking:**
 - Develop a methodology and conduct research to assess the impacts and effectiveness of modern slavery and human trafficking-related sanctions used to date to capture all types of measures, including those listed under broader umbrella terms. This could include an assessment of how overlapping sanctions regimes against similar targets may be having an impact.
 - Execute a detailed mapping exercise, with the option for its inclusion in a regularly updated database available online, to capture all types of sanctions engaged in relation to modern slavery and human trafficking, including those with no mention of relevant terms but relating to known perpetrators. This could be linked to other existing sanctions databases, such as the UN Sanctions App⁵ and other similar platforms regarding the US, EU, UK, Canadian, and Australian measures alongside any new actors that start using sanctions to address these challenges.
 - Carry out in-depth consultations with US officials, former and serving, on the use of sanctions to address transnational organized crime in the Americas, such as in relation to drug trafficking, to generate detailed guidance and capture lessons learned.
 - Investigate challenges surrounding implementation and enforcement with regards to closer collaboration with governments and law enforcement agencies around the world and use of available tech-based innovations.
 - Identify and commission new research that should be accessible to the policy community, useful to financial institutions and serve as inspiration for further research by universities and research institutions.

- **Establishment of:**

- A platform that serves as a repository on relevant publications, projects, initiatives, and other resources specifically on sanctions relating to modern slavery and human trafficking.
- A multi-stakeholder forum/dialogue to include the UN, governments, financial institutions, survivor groups, and “tech-for-good”/financial technology specialists. This would have a focus on sectoral consultations, sharing of best practice, building of trust, awareness raising, capacity-building, and identification of action on mitigating de-risking as well as development of new tech platforms. Outputs could include a series of resources and network to aid policymakers and financial institutions developing and enforcing new sanctioning strategies to address the problem.
- A research network, to include those already leading on important aspects relevant to modern slavery and human trafficking sanctions, such as measures to address transnational organized crime.
- An expert working group or commission, composed of experienced former or serving practitioners and experts, able to advise on the direction of research and policy engagement.

- **Design and coordination of:**

- A training course, including options for e-learning workshops, to be made available to relevant stakeholders on sanctions relating to modern slavery and human trafficking.
- A “tech-sprint” to identify existing technology that could assist with the more effective use of modern slavery and human trafficking-related sanctions, and avoidance of unintended consequences of de-risking. This could include the creation of new products should appropriate innovations not be found that are able to meet existing needs.
- A communications strategy to focus on awareness-raising and capacity-building.

- **Production of:**

- A blueprint on effective and ethical use of sanctions to tackle modern slavery and human trafficking.
- A modern slavery and human trafficking sanctions “checklist” to equip policymakers in the adoption of new measures.
- A series of detailed recommendations for policymakers and the private sector to assist in the effective planning, adoption, and implementation of modern slavery and human trafficking-related sanctions.

Introduction

Modern slavery and human trafficking are among the world's leading criminal enterprises, impacting almost every country on earth. An estimated 40 million people find themselves under conditions of modern slavery worldwide,⁶ with approximately 21 million people trapped in forced labour,⁷ including in forced sexual exploitation, with children making up over 25 per cent of this figure.⁸ This is despite the fact that the prohibition of slavery represents one of the strongest norms in international law.⁹

Modern slavery and human trafficking levels are expected to have risen in recent years, in light of the global COVID-19 pandemic,¹⁰ increased poverty levels,¹¹ climate change,¹² and a rise in conflict and fragility worldwide.¹³ Child labour recently rose for the first time in two decades, especially in countries in the Global South, with 9 million additional children worldwide now at risk of exploitation through child labour.¹⁴

Human trafficking is defined by the UN as the: "recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit."¹⁵ It can include enslavement, forced labour, sex trafficking, and the recruitment and use of child soldiers.¹⁶ Modern slavery is not defined in law, but according to the UN, "it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power."¹⁷ It is generally used as a catch-all term that covers areas such as traditional (chattel) slavery, forced labour, debt bondage, forced marriage, serfdom, human trafficking, sexual slavery, the sale of children and the worst forms of child labour,¹⁸ commercial sexual exploitation of children, and other forms of slavery.¹⁹ Modern slavery and human trafficking is both a criminal and human rights concern.

Human trafficking disproportionately impacts some of the most vulnerable members of society. It fuels, and is fuelled by, financial exclusion, poverty, and systemic inequality. It also corrodes community health and safety, compromises the security of borders and transportation networks, increases corrupt practices, and weakens the rule of law. The situation has been exacerbated through globalization, whereby transnational organized crime networks have been able to proliferate and strengthen, alongside rapid developments in trade, technology, and transportation. In more recent times, the COVID-19 pandemic is also understood to have exacerbated the problem, leading to heightened economic insecurity and vulnerability to modern slavery and human trafficking.²⁰ However, implementation challenges represent a major concern. A 2019 Walk Free study, that provides an independent assessment of the approaches used by 183 governments in addressing modern slavery, concludes that only around 50 per cent of countries have shown progress in tackling modern slavery across several areas. Only 31 countries have ratified the ILO's Forced Labour Protocol (2014), while 96 countries have not yet criminalized forced labour and 133 have not yet criminalized forced marriage.²¹

Furthermore, despite its illegality under multiple legislative frameworks, modern slavery and human trafficking is a major global generator of illicit funds. The ILO has shown that over USD 150 billion per year of worldwide profits is generated by human traffickers,²² second only to the trade in drugs and counterfeit goods. Vast financial proceeds from such crimes are laundered through the global financial system, yet innovative criminal techniques to avoid detection have often allowed groups to continue their activities unchecked. Addressing the financial angle of modern slavery and human trafficking is thus recognized as an essential approach in tackling this global and complex challenge. Commitment and support from the financial sector, alongside the use of a series of financial-related policy tools by international organizations, regional bodies, and governments, is considered vital in tackling this problem.

AML/CFT laws have been used with increasing frequency over recent years to address modern slavery and human trafficking. While such approaches are understood to have improved over time, particularly regarding collaboration with the financial sector on modern slavery and human trafficking-related compliance, these measures continue to be beset by several challenges. This includes weak enforcement, low prosecution rates, insufficient legal frameworks, and difficulties identifying victims.²³

Targeted sanctions are also thought to have potential for playing a useful role in disrupting illicit criminal networks engaging in, or facilitating, modern slavery and human trafficking.²⁴ However, their use to tackle the challenge is not yet widespread. Sanctions have been used in only a handful of occasions by the UN to address modern slavery and human trafficking-related matters outright. The EU, UK, Canada, and Australia have used sanctions infrequently to address the problem, yet they have new or developing legal frameworks that may allow for greater use in the future. To date, the US is the most active user of sanctions to tackle a range of modern slavery and human trafficking-related challenges, assisted through its long history of using sanctions to tackle transnational organized crime.

To date, none of these sanctioning actors have used some of the more hard-hitting or sophisticated financial sector sanctions to tackle modern slavery and human trafficking, however, most frequently using asset freezes on individuals and entities (companies, terrorist organizations, etc.) and travel bans on individuals. Similarly, none have yet communicated a clear vision on how sanctions have been or could be used to address this global challenge in any obvious way. This is echoed in the academic and policy literature – studies focusing on the role of sanctions in tackling modern slavery and human trafficking are extremely scarce.

This study seeks to fill this knowledge gap in understanding the role that sanctions – particularly those that can help disrupt financial flows linked to modern slavery and human trafficking – might play in global, regional, and national efforts to tackle these crimes. It also aims to serve as a first step in charting the heterogeneous ways in which sanctions have been used in recent years in relation to modern slavery and human trafficking by key multilateral and autonomous or unilateral sanctioning powers. The aim of this report is to serve as a pilot for a more comprehensive mapping exercise, in time, of the full spectrum sanctions used to date, including in relation to their impacts, effectiveness, and implementation challenges. Currently, a major challenge is that technical policy knowledge is lacking on how these ever-popular instruments of foreign and security policy could be used to best address modern slavery and human trafficking and how some of the key challenges surrounding their use could be mitigated.

Methods and Outline

This study was commissioned by FAST, a multi-stakeholder initiative based at UNU-CPR that works to mobilize the financial sector against modern slavery and human trafficking. It benefits from financial support from the Governments of Australia, Liechtenstein, Luxembourg, the Netherlands, and Norway, as well as a number of private sector and philanthropic donors. Research for this report was carried out between 15 December 2021 and 4 March 2022. It is based on a combination of primary research, entailing semi-structured, anonymized interviews with officials at the UN, EU, US, UK, and elsewhere (n=18) and secondary desk research including on the UN, US, EU, UK, and other sanctions frameworks and legal documents. It also benefited from a series of online consultations with experts from academia, think tanks, and other sectors, in particular the financial sector (n=12).

The report addresses the gaps in current understanding on the greater role that targeted sanctions could play to address modern slavery and human trafficking. A particular focus is on financial sanctions that might be capable of tackling financial dimensions of modern slavery and human trafficking criminal networks and practices. It starts with a brief description of sanctions in general terms and outlines how these coercive tools can be relevant in tackling a range of traditional and emerging global challenges. It provides an overview of different forms of sanctions imposition, including those of a multilateral and autonomous nature. It outlines differences between country-based and thematic (or horizontal) sanctions regimes and describes their relevance to modern slavery and human trafficking. The report describes different types of sanctions (such as asset freezes and travel bans) and it outlines how they may play a role in tackling modern slavery and human trafficking. In doing so, it places a particular spotlight on sanctions able to disrupt illicit financial flows and constrain human traffickers from accessing vital resources, including funds and access to banking services.

The report also draws on sanctions scholarship to highlight lessons on the impacts and effectiveness of sanctions. It then proceeds in outlining steps taken by individual governments, international organizations, and regional organizations in terms of relevant legislations and sanctions adoption. After discussing the significance of each approach, the report concludes by outlining a range of challenges and opportunities relating to the future use of sanctions to tackle modern slavery and human trafficking. It ends with a series of recommendations regarding next steps to allow for the generation of detailed policy and financial sector recommendations ; a blueprint for future modern slavery and human trafficking sanctions use, and a checklist to allow stakeholders to support and implement the measures effectively and with minimal unintended consequences.

Sanctions to Tackle Modern Slavery and Human Trafficking

Sanctions represent an increasingly favoured policy instrument the world over to address a growing range of international challenges.²⁵ The theory holds that they can be applied in ways that can be less costly and damaging compared to military action and they can be used as a useful alternative or complement to wider diplomatic efforts and other policy tools like mediation, peacekeeping, dialogue, law enforcement, referrals to legal tribunals, or covert action.²⁶ The strategic use of sanctions can serve as a useful tool of leverage in some contexts and a tried and tested way of showing solidarity with allies. Some, like the US, use sanctions as a means to demonstrate leadership in the global arena.²⁷ Expertise on the most effective ways to apply them, and how best to avoid negative unintended consequences, has strengthened over recent decades despite significant methodological challenges in demonstrating causation over correlation.²⁸

Multilateral vs Autonomous/Unilateral Sanctions

There are three main types of sanctions design. First are those of a multilateral nature, adopted through UN resolutions, to which all Member States must adhere under Chapter VII of the UN Charter (examples in sub-Saharan Africa are particularly prevalent in this category). Second are sanctions adopted autonomously or unilaterally that supplement UN measures, such as those on DPRK. Third are those imposed entirely independently of UN action, usually due to lack of agreement at the UN Security Council, such as those on Syria, Venezuela, Russia and with regards to cyberattacks, chemical weapons, and some human rights abuses. This final category is referred to hereafter as “autonomous sanctions” though are referred to elsewhere as “unilateral sanctions” or “unilateral coercive measures.”

Used to tackle a broad range of security threats and breaches of international norms, the UN has used sanctions for a growing number of objectives in past decades, though recent uptake appears to have stabilized. In parallel, a steadily increasing number of States and regional organizations – spanning advanced economies, emerging powers, and lower/middle income countries – are employing autonomous sanctions in an increasing variety of contexts, for a growing number of objectives and against a mounting range of targets.²⁹

The US is the most prolific global user of autonomous sanctions by a considerable degree, followed by the EU.³⁰ Other advanced economies tend to align or coordinate to varying degrees with the US and EU sanctions. These include the UK (post-Brexit),³¹ Canada, Australia, Japan, New Zealand, and South Korea as well as non-EU European countries such as Norway,³² Liechtenstein, and Switzerland.³³ Other regional organizations, such as the African Union and the League of Arab States, also make use of autonomous sanctions against their own members.³⁴ A mounting number of individual States in Asia, the Middle East, and Latin America are also starting to use their own unilateral sanctions measures, though their use remains highly limited and centred more on domestic concerns as opposed to the support of international norms.³⁵

Of particular note is the relatively frequent use of sanctions, often by other names, or countermeasures by States that have traditionally opposed the use of autonomous sanctions, particularly China³⁶ and Russia.³⁷ Also worthy of note is that the Standing Committee of the National People's Congress, China's highest legislature, adopted multiple laws in 2021 allowing it to employ autonomous sanctions overtly to impose countermeasures against actors, for example, on the US and EU for sanctioning Chinese targets and to block the extraterritoriality of US secondary sanctions in seeking to prevent them from taking effect in China.³⁸ To date, research suggests that only the UN, the EU, and a small number of advanced economies have made use of sanctions to address modern slavery and human trafficking in any obvious way.

In general terms, UN sanctions largely relate threats to global peace and security, especially in relation to violent inter- and intra-State conflicts, counter-terrorism, and nuclear non-proliferation.³⁹ In contrast, the US, EU, and allies cover a far broader panoply of objectives, such as the promotion of democracy, human rights, and good governance,⁴⁰ with recent additions covering cyber and chemical weapons attacks.⁴¹ These so-called thematic sanctions allow for listings that are not imposed in country-specific regimes. In theory, this allows actors like the US and EU to use targeted sanctions against individuals or entities in countries that might otherwise be too politically sensitive or economically damaging to sanction directly, such as on individuals in Saudi Arabia or Israel, or where there is a preference to address different illegal acts through different sanctions regimes, such as in the case of Russia with regard to its actions in Ukraine versus its use of chemical weapons on UK soil.

Going a step further, the US' sanctions portfolio also includes a focus on areas such as corruption, drug trafficking, the illicit use of crypto-currencies, and the behaviour of telecommunications firms. The use of multilateral and fully autonomous sanctions also vary geographically. While the UN's sanctions are mainly concentrated on African conflicts, except for non-proliferation sanctions and some counter-terrorism measures, EU and UK sanctions are more evenly dispersed across Africa, Asia, and the Middle East, with a particular focus on the European neighbourhood.⁴² US sanctions share a similar geographical spread to those of the EU and UK, with the notable addition of a widespread presence in Latin America and the Caribbean. Other actors, such as Canada and Australia, share closer sanctioning patterns to the EU and UK than the US, with several exceptions.

As a consequence of the global proliferation of sanctions practice, many of the world's sanctions regimes now represent a complicated web of overlapping measures whose collective impacts remain poorly understood and whose legal underpinnings are under growing scrutiny. This is exacerbated by the fact that any joint coordination on areas such as planning, monitoring, enforcement, and lifting between overlapping sanctions regimes remains somewhat informal and *ad hoc* in nature, with some recent exceptions such as the establishment of a US-EU-UK-Canada task force on Russian asset freeze in early March 2022). The lack of a more formalized mechanism to manage and apply best practice to these processes in a systematic manner has been shown to hinder any kind of comprehensive assessment on the collective impacts or efficacy of these multilayered/overlapping sanctions regimes, something that has represented one of several shortcomings in the current approach.

Different Types of Sanctions

There are various types of sanctions that can be employed by the UN and other international organizations, regional organizations, and countries around the world. Many contemporary sanctions – both multilateral and unilateral – are targeted in nature, as opposed to comprehensive sanctions that place an embargo on an entire country. The most used types of sanctions are asset freezes, travel bans, and arms restrictions. Other types of targeted sanctions include restrictions on certain services or goods like oil, gold, gems, and technology; other travel restrictions like visa and travel controls, air traffic controls, diplomatic bans, and; other financial/banking sanctions, such as restrictions on financial transactions and investments. Cultural and sporting restrictions were also used in the past, even though they are not commonly used nowadays. However, these are making a comeback in response to Russia's continued invasion of Ukraine in February 2022.

Primary sanctions are those that must be observed by persons (individuals and entities, including companies, groups, and governments) that are located in, or originate from, the jurisdiction of the sanctioning actor. They restrict certain forms of engagement with listed persons. In contrast, the US also makes use of the legally and politically controversial secondary sanctions. These have an extraterritorial reach, signifying that any legal person engaging in specific activities or transactions with a designated target may face a range of fines and other penalties. For its part, all other autonomous sanctions actors lack extraterritoriality. The EU's restrictive measures, their term for sanctions, differ from those of other regional organizations, however, in that the bloc imposes sanctions externally as part of its broader foreign policy.⁴³ While EU sanctions are only applicable in EU member States, EU companies and citizens are still bound by their reach, even when based outside the EU's territory.

Sanctions Impacts and Effectiveness

Understanding the impacts that sanctions impart on any given target is complicated by the fact that they do not operate in a vacuum. Proving cause and effect, or measuring impacts and effectiveness, thus remains a major challenge. However, studies that attempt to do so,⁴⁴ have highlighted their versatility in fulfilling a number of objectives. First, they can *signal* displeasure at another's actions through, for example, "naming and shaming," stigmatization, or sending a powerful message to domestic audiences that *something* is being done. In doing so, they can serve as a warning to other would-be detractors from international norms. Second, they can seek to *constrain* a target's activities or access to vital resources like finances, arms, technology, internet platforms, and so forth, which can play a role in making it harder to carry out particular acts or crimes. Third, they can work to *coerce* a change in a target's behaviour or calculations.⁴⁵

It is via these and other categories described in more depth below that a more nuanced understanding of their impacts may be ascertained. Earlier studies that have assessed the effectiveness of certain sanctions regimes, including those used by the UN, suggest that they are only modestly effective in meeting their stated policy aims.⁴⁶ These studies also suggest that their success rates depend on a wide range of factors, including how they are combined with other policy tools, integration of the target in world trade and finance, type of governance structure, and so on.

One recent study suggests decreasing returns in efficacy in cases where sanctions regimes exceed a certain threshold of measures.⁴⁷ The optimal combination appears to be one that targets key export commodities in a sanctioned economy (apart from oil) or a sizeable company that affect entire sectors of a targeted economy. Sanctions that are composed of only one measure, such as an asset freeze or travel ban, tend to fail in achieving related policy aims and those at the other end of the spectrum (fully comprehensive measures) also result in lower success rates.⁴⁸ A carefully combined package of sanctions of a more targeted nature is likely to be more effective over more crippling sectoral measures that cause serious long-term harm to a country's economy. Furthermore, the approach employed in any sanctions regime should also be evaluated and reassessed strategically on a rolling basis to allow for adaptation to shifting circumstances on the ground, including with regard to the easing of sanctions to reward good behaviour, the use of "carrots" and not just "sticks."

Studies on earlier sanctions regimes include some positive examples that could be drawn on in the modern slavery and human trafficking context, while further research is required to forge a more detailed understanding on their potential use. For example, UN financial sanctions that aimed to curb access to monetary and military resources of rebel groups are thought to have been useful in the cases of the former-Rhodesia, Liberia, Cambodia, and Angola.⁴⁹ Similarly, US counter-narcotics sanctions have been deemed successful in disrupting Mexican, Colombian, and Honduran drug trafficking organizations, through collaboration with US banks that were being used to launder the organizations' funds.⁵⁰ A recent study by the US think tank Center for a New American Security, uses rates of sanctions de-listings as a measure of success, noting: "[d]elistings under transnational crime-related sanctions authorities accounted for almost half of total U.S. sanctions delistings from 2009–2021, demonstrating the success of these programs in influencing behavioral change among sanctioned targets."⁵¹

Targeted Sanctions Addressing Illicit Financial Flows: Lessons Learned

There is a widespread assumption among policymakers that the illicit finance angle of human trafficking must be addressed in order to effectively address modern slavery and human trafficking, based on the idea that profit represents a key motivation of traffickers.⁵² A range of types of sanctions could be used to address the financial dimensions of modern slavery and human trafficking, not just sanctions of financial nature. Overall, they may seek to exert impacts in several different ways:

1. **Coerce** a change of behaviour among perpetrators of modern slavery and human trafficking through disrupting their ability to derive financial profits from such acts, including their ability to effectively launder money, through a combination of punitive, deterrent, and “naming and shaming” functions.
2. **Constrain** perpetrators’ access to finances, including through hindered access to bank accounts, assets, and wider financial services in order to make acts of modern slavery and human trafficking more costly and complicated, and disrupt or close down activities. This should also include curtailed access to other vital resources through other types of sanctions, for example, those targeting access to technology, cyber platforms, arms, natural resources, and transportation depending on the target in question.
3. **Signal** to those carrying out modern slavery and human trafficking criminal acts, and other would-be perpetrators, that these actions will not pass without consequence. At the same time, send out a clear message to domestic audiences and stakeholders that a clear and concerted strategy is underway to tackle the problem, which can serve to bolster support from important stakeholder groups such as banks, remittance platforms, and other financial institutions.
4. **Influence** other governments, regional organizations, and international organizations to support sanctions enforcement against modern slavery and human trafficking, including closing gaps to avoid displacement to new jurisdictions or new financial institutions. Many autonomous sanctions result in action at the UN, steps to tackle modern slavery and human trafficking should be no different.

The use of sanctions to target illicit financial flows linked to criminal activities is a relatively new and rapidly evolving sphere. It differs somewhat from some of the more traditional sanctions regimes against States, or against other thematic areas such as human rights or cyberattacks, in that the violation of a law calls for a response from law enforcement agencies (police, border forces, courts of law) and close collaboration with them. In contrast, where a political figure is to be targeted, dialogue and diplomacy are part of the sanctioning strategy, which is less likely to be the case when transnational organized criminal groups are involved.

The US provides the richest set of examples of sanctions to tackle certain aspects of modern slavery and human trafficking. This is in light of its longstanding (20 plus years) experience using sanctions to address drug trafficking, corruption, and other forms of transnational organized crime. The use of such measures was recorded by the Center for a New American Security to have reached a peak under the Obama Presidency in terms of listings and de-listings, before declining under the Trump Presidency and rising again under the current Biden Administration.⁵³ Yet, as argued in a recent US congressional briefing,⁵⁴ very little is known about the efficacy of transnational organized crime sanctions to date. Nevertheless, this is the focus of an upcoming set of reports from a project at the UK think tank Royal United Services Institute (RUSI), focused on transnational organized crime and sanctions, among other areas.

Elsewhere, studies have highlighted that an advantage of sanctions over criminal prosecutions is that the former are easier to enact. Criminal cases against transnational organized criminal networks can be complicated, time-consuming, and costly. They entail a high evidential burden, with evidence needed to stand up in a court of law beyond reasonable doubt. In contrast, sanctions can be cheaper to impose, can be implemented quickly, and with a lower burden of proof, though the need for strong evidence has been highlighted in some sanctions regimes, such as regarding cyber and chemical weapons attacks.⁵⁵

Furthermore, sanctions can be used to freeze assets in a matter of hours,⁵⁶ which can be useful in helping to avoid asset flight, and some analysts highlight the importance of this “surprise factor” in some sanctions regimes. While sanctions relating to modern slavery and human trafficking are currently limited to asset freezes and travel bans, meaning their current reach may be relatively limited in scope, their use should be considered as part of a broader toolkit that includes criminal prosecutions and other policy tools. The crossover between these different policy tools warrants further attention through scholarly and policy research.

Another lesson that can be drawn from other thematic sanctions regimes is their level of ambition. For example, should they be used to:

- Signal disapproval of a handful of individuals and entities involved (*modest aims*)?
- Deter certain individuals and entities from continued engagement of modern slavery and human trafficking, leading to some reduction in activities (*moderately ambitious aims*)?
- Close the broader modern slavery and human trafficking activity and related networks and prevent them from resurfacing elsewhere or in the future (*ambitious aims*)?
- Equally, should they only be imposed against non-State actors (individuals and entities) (*moderately ambitious*) or also States in countering State-sponsored modern slavery and human trafficking (*ambitious aims*)?

If a more ambitious strategy is to be employed or, ideally, a combination of all of the above, a keener focus on the wider illicit networks and interrelated flows of illicit funds (drugs, wildlife, arms, etc.) should be factored into the broader strategic planning, including in relation to likely impacts and unintended consequences across illicit supply chains, for example pushing activities to new areas, rather than halting them. Attention should also be paid to how sanctions will be combined with AML/CFT and other related instruments.

Sanctions and Unintended Consequences

Sanctions can entail a range of unintended consequences. These can include a rise in criminality: the potential for stockpiling and siphoning of essential goods, development of sophisticated evasion techniques, and the strengthening of ties between ostracized countries or targets therein. They can also involve the development of domestic alternatives to sanctioned goods: tensions in relations with third countries, legal challenges, and the loss of commerce within the sender country. Emerging risks, such as the threat posed by disinformation campaigns about sanctions imposed and any negative unintended impacts, retaliatory cyberattacks, and counter sanctions (countermeasures) are also starting to gain prominence and are likely to represent significant challenges going forward.

There is also a mounting risk of financial sector de-risking in light of an increased risk of fines and the growing burden of compliance costs.⁵⁷ This refers to the growing reluctance documented among financial institutions in providing services to clients operating in certain higher-risk jurisdictions. Considering these increasingly stringent regulatory requirements, many have simply decided to sharply decrease, or even cease, any transactions with several sanctioned countries, leaving them financial excluded or “unbanked.”⁵⁸ The problem also permeates the wider private sector, where firms have grown increasingly wary of providing goods or services to countries or groups deemed to pose high compliance risks.⁵⁹

Overcompliance or self-regulation among humanitarian actors, described by some as the “chilling effect,” has also led many NGOs working in areas such as humanitarian assistance, development, education, and public health to deliberately curtail their activities for fear of penalties or due to the unsustainable levels of bureaucracy. Cited barriers faced by NGOs linked to financial sector de-risking include delays to payments, freezing of accounts, increased operating costs, challenges providing adequate information, blocked deliveries, reduced operations, restrictive donor agreements, and difficulties paying staff on the ground, to name but a few.⁶⁰ As warned by the FAST initiative, financial sector actors should be: “careful about the unintended impacts of de-risking (terminating the relationship with a business partner in question to avoid

risk exposure) which can unintentionally increase modern slavery and human trafficking risks.” All of these points are important when sanctions against modern slavery and human trafficking are being considered in light of the greater weight of responsibility that will be placed on the financial sector.

Learning from Existing Initiatives on Financial Sector Engagement with Modern Slavery and Human Trafficking

A number of existing initiatives work to improve the financial sector’s ability to support the global fight against modern slavery and human trafficking. In the formulation of a more detailed modern slavery and human trafficking sanctions strategy across governments and international organizations, these types of projects could be consulted and serve as a basis for future work. Their expand remit could also be explored to include a focus on sanctions in addition to their existing coverage, where appropriate and feasible. Several such (non-exhaustive) examples are highlighted below:

FATF: The Paris-based Financial Action Task Force (FATF) is an intergovernmental standards-setting body, which formulates guidance and best practice on AML/CFT. FATF has been playing an increasingly active role in the wider compliance field and its ratings on countries can have notable impacts on States’ engagement with compliance practices. However, they have been linked to decreasing levels of financial inclusion among countries singled out for concern (grey and blacklistings). FATF has issued two guiding documents on human trafficking and related illicit financial flows.⁶¹

OSCE: The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings of the OSCE published a seminal report in 2019 that serves as a compendium of relevant resources and tools associated with the financial investigation of human trafficking.⁶² It also outlines how they can be used by official bodies and financial sector institutions to improve the effectiveness of current practices.⁶³ Some of these could also be applicable in the forging of new sanctions regimes, or strengthening of

existing sanctions enforcement measures relating to modern slavery and human trafficking.

Egmont Group: The Egmont Group is an intergovernmental platform designed to allow for the exchange of technical information related to AML/CFT.⁶⁴ It is made up of 166 Financial Intelligence Units (FIUs) from around the world,⁶⁵ which work with each country’s financial sectors. The group’s latest annual report does not mention sanctions, which is outside the remit of its focus, but provides a useful basis upon which a similar platform could be built on the role of sanctions in tackling modern slavery and human trafficking, for example, to include the sharing of latest research, best practice guides, training, webinars, and white papers.

Economic Community of West African States and African Union:⁶⁶ The Economic Community of West African States (ECOWAS) adopted a Declaration and a Plan of Action against Trafficking in Persons (2002-2003) in December 2001, calling for its rapid signature and ratification. According to one report on African approaches in tackling modern slavery and human trafficking:⁶⁷ “it detailed specific measures that included criminalization of trafficking in persons and the creation of an ECOWAS Coordination Unit to liaise with National Task Forces, protection and the support of victims, cooperation between border control agencies, awareness-raising, and data collection by ECOWAS countries. The then Organisation of African Union (OAU, now the African Union) adopted the African Charter on the Rights and Welfare of the Child in 1990, which seeks to tackle child trafficking in the context of exploitation and adoption. The same report notes a lack of anti-trafficking criminal laws in East Africa in particular.

Other relevant initiatives: Other projects worthy of note, in addition to the pioneering work of FAST, is the Canadian Financial Transactions and Reports Analysis Centre of Canada,⁶⁸ the Bali Process,⁶⁹ and RUSI’s project on sanctions and transnational organized crime.

Mapping the Use of Targeted Sanctions to Address Modern Slavery and Human Trafficking

The following sections outlines some of the main ways that sanctions have been used to address modern slavery and human trafficking in the multilateral and unilateral contexts in recent years. It situates these findings in relation to key legislation, outlines their significance, and draws on anonymized interview material to discuss likely future developments.

United Nations⁷⁰

In recognition that no country in the world is free from modern slavery, Sustainable Development Goal (SDG) Target 8.7 aims to eradicate this gross abuse of human rights. Nevertheless, progress is considered to have been extremely slow, with governments not on track to eliminate modern slavery by 2030. The UN 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children⁷¹ represents the world's main legal instrument designed to combat human trafficking (part of the UN Convention against Transnational Organized Crime or the Palermo Protocol).⁷² As of September 2021, the protocol counted on 178 parties.⁷³ According to the UN Office on Drugs and Crime: "Countries that ratify this treaty must criminalize human trafficking and develop anti-trafficking laws in line with the Protocol's legal provisions."⁷⁴ The ILO Forced Labour Convention of 1930 is another key international treaty that addresses a form of modern slavery. Furthermore, the ILO 2014 Forced Labour Protocol is also an important, yet underused, mechanism allowing countries to address elements of human trafficking.⁷⁵ In addition, the UN Guiding Principles on Business and Human Rights require that businesses "avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved."⁷⁶

UN SANCTIONS TO TACKLE MODERN SLAVERY AND HUMAN TRAFFICKING

The UN has used sanctions to address modern slavery and human trafficking several times in recent years, albeit not with frequency. Furthermore, the link between sanctions and modern slavery and human trafficking is not communicated publicly by the UN Security Council in the form of a concerted UN sanctions strategy against the challenge. Their use in the UN context is largely limited to cases relating to the disruption of funds that fuel a conflict or serve as a spoiler of resolution on conflict.

- **Libya** (*UN Security Council Resolutions 1970 [2011], 2174 [2014] and 2213 [2015]*): The UN's first listings relating directly to human trafficking was in the Libya sanctions regime.⁷⁷ Six individuals, deemed to be leaders of trafficking networks, were listed on 7 June 2018 for "human trafficking and migrant smuggling." The core objectives of the broader sanctions regime related to the cessation of hostilities and peace enforcement, but the human trafficking listing was facilitated through additional criteria relating to human rights and protection of civilians. The fact that the proceeds from human trafficking activities were identified as a source of funding for armed conflict actors also paved the way to their inclusion. The decision by the UN Security Council committee was the result of coordinated efforts of a number of EU members States,⁷⁸ led by the Netherlands.⁷⁹
- **Mali** (*UN Security Council Resolution 2374 [2017]*): No designations were made at the time of the adoption of the resolution in September 2017, but the criteria for designation included "recruiting child soldiers"⁸⁰ and "trafficking in persons and the smuggling of migrants."⁸¹ Travel bans and asset freezes have been imposed on a number of individuals and entities since 18 December 2018, associated with the full set of purposes.
- **Democratic Republic of Congo (DRC)** (*UN Security Council Resolution 2098 [2013]*): Over 20 individuals and entities, nearly all affiliated to non-State armed groups have been targeted in relation to the use of child soldiers in the DRC.⁸²
- **Central African Republic (CAR)** (*UN Security Council Resolution 2127 [2013]; UNSCR 2134 [2014]*): The resolution refers to the recruitment and use of child soldiers and a small number of listings have been adopted in relation to these acts in CAR, spanning asset freezes, travel bans, and arms embargos.
- **South Sudan** (*UN Security Council Resolution 2206 [2015]*): A small number of individuals have been listed in relation to the use of child soldiers in South Sudan.
- **UN Security Council counter-terrorism sanctions (1267)**: There is one listing and one entity on the 1267 list⁸³ for "participating in the financing, planning, facilitating, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of entities associated with ISIL (Da'esh) and Al-Qaida." They relate to "human trafficking" and "the abduction of girls," respectively.⁸⁴ Their listings (also relevant for other potential future similar listings) fall under broader listing criteria for the UN's 1267 sanctions regime linked to the wording "otherwise supporting," under which any act that is conducted for Al-Qaida or ISIL can serve as a listing criterion. The two listings are the following:
 - **ISIL/Al-Qaida**: Amir Muhammad Sa'id Abdal-Rahman al-Mawla for helping to "drive the abduction, slaughter, and trafficking of Yazidi religious minorities in northwest Iraq," among other crimes.
 - **Boko Haram**:⁸⁵ Boko Haram, or Islamic State West Africa Province (ISWAP), an entity associated with ISIL/Al-Qaida, was listed on 23 February 2020.⁸⁶ While not the actual reason given for the designation, the ISIL (Da'esh) and Al-Qaida Sanctions Committee noted: "In February 2018, the group abducted 110 schoolgirls in Nigeria and in March kidnapped three aid workers during an attack that killed dozens of other people." When Boko Haram was listed, it had already been mentioned in 2014 that the group was involved in abductions of school students.⁸⁷

Some interviewees also highlighted that, more broadly, the reports of the Secretary-General on Conflict-Related Sexual Violence could play a role in the adoption of future sanctions relating to human rights and sexual and gender-based violence criteria, such as sexual slavery.

INTERNATIONAL LABOUR ORGANIZATION SANCTIONS TO TACKLE FORCED LABOUR

The ILO has also employed its own form of sanctions to address State-sponsored forced labour, which it is mandated to do under Article 33 of the ILO Constitution. ILO sanctions have only been applied once in the case of the Myanmar. The measures were highly symbolic, composed of a halt to technical assistance, where no assistance was in place at the time in any case, and a diplomatic ban on Myanmar officials attending ILO meetings. Although highly restricted in nature, these measures are considered by some to have played an effective role in facilitating talks with the Myanmar Government regarding forced labour.⁸⁸ Limitations include the fact that the ILO's mandate is limited to forced and child labour (among other crimes listed under the modern slavery umbrella). In practice, these measures are not used against government officials when the relevant government's policy does not ordain modern slavery and human trafficking.⁸⁹ Political opposition suggests that the ILO is unlikely to use similar measures to any significant degree again in the future.

Significance: UN Sanctions to Address Modern Slavery and Human Trafficking

These listings, and particularly those on Libya, were seen as unprecedented and were widely welcomed by campaign groups. Nevertheless, they do not appear to have led to an increase in use across the UN, either through country-based or thematic sanctions regimes. Those familiar with the UN note that there does not seem to be any appetite to expand the use of modern slavery and human trafficking-related sanctions listings in any systematic way and certainly not for the creation of a thematic regime to deal explicitly with the problem. At the same time, there are various mechanisms now in place that enable modern slavery and human trafficking sanctions to be imposed in relation to a range of intra- and inter-State conflicts, particularly if such activities can be linked to areas such as the fuelling of hostilities, acting as spoilers in conflict resolution, or in relation to the activities of terrorist organizations and other non-State armed group, rather than in relation to human rights abuses. In any case, future use of modern slavery and human trafficking-related sanctions at the UN look set to remain limited to travel bans and asset freezes.

While further research into their impacts is needed, consultations suggest mixed views on the "success" of these sanctions.⁹⁰ The problem of modern slavery and human trafficking has

clearly not abated in Libya, for example. The 2021 UN Panel of Experts Report on Libya states: "There are widespread occurrences of trafficking, kidnapping for ransom, torture, forced labour, sexual and gender-based violence, and killing."⁹¹ Other consultations suggested that several barriers serve as limits to their effectiveness. In the Libyan case, for example, this was attributed to low levels of political will to enforce the measures, the highly limited nature of cooperation and coordination with the host government and high levels of corruption.⁹²

There are a number of reasons why greater uptake at the UN may remain limited. First is political opposition. Some claim that modern slavery and human trafficking should not be considered a core concern of the UN Security Council, unless there are clearly demonstrated links to peace and security. In addition, concerns over modern slavery and human trafficking-related acts stemming from, or present in, key members of the UN Security Council also appear to serve as a barrier to further uptake. This is exacerbated in light of the poor records on modern slavery and human trafficking in various countries that are closely allied to the permanent five members. Third is the question as to how State-perpetrators of modern slavery and human trafficking may be addressed through multilateral sanctions when the problem of systematic or State-sponsored modern slavery and human trafficking exists in a number of Member States.

As such, inclusion of modern slavery and human trafficking-related terminology in the UN listings and supporting documents “all depends on what the designating State (the government proposing the listing) wants to highlight,” according to another interviewee. Technically and legally speaking, there are no barriers in place preventing more listings in relation to areas such as trafficking or sexual slavery. Instead, the political motivation underlying its listing (at the level of the Sanctions Committee), and the possibility of backing up the allegations with evidence that can stand up in courts of law are key concerns.

Others suggest that new mechanisms are not needed at this stage for the UN to address modern slavery and human trafficking with greater frequency through sanctions. First, the possibility exists to sanction a greater number of perpetrators under broader umbrella terms, which may be more feasible than listings directly linked to modern slavery and human trafficking-related acts. An example here is the UN’s 1267 (counter-terrorism) sanctions. According to one former UN official: “For the 1267 regime, the fact that activities relating to modern slavery and human trafficking were mentioned as a listing criterion in UN Security Council resolutions was only a political signal, as it was always possible to use such acts also to support a listing under the 1267 regime” (the case in point here being Boko Haram). Furthermore, “given the individuals and groups listed on the 1267 regime are those considered most significant in the ISIL and Al-Qaida global networks, there are many acts to choose from that are linked to existing criteria that these entities and individuals have conducted. Therefore, even in cases where modern slavery and human trafficking has been documented, other acts, such as terrorist attacks, training, or financing may be used.” This suggests that a greater use of modern slavery and human trafficking related sanctions is possible in the UN context under existing sanctions regimes though it remains unclear what impacts sanctions would have in countering modern slavery and human trafficking if targets are to be sanctioned under wider activities such as terrorism but not explicitly mentioned. In such cases, modern slavery and human trafficking might be reduced if the wider

terrorist activities are also curtailed and if they are not displaced elsewhere.

Until some of the UN’s implementation challenges are solved, further use could also be limited through a seemingly widespread perception that sanctions will have a limited impact on the wider illicit marketplace in light of challenges such as poor cooperation from host governments, low levels of domestic political will, difficulties combining the sanctions with domestic civil, and criminal proceedings and other enforcement challenges.

In some ways, the UN is like the US (described below) in that modern slavery and human trafficking has been addressed through a combination of country-based and thematic sanctions regimes, although with a far more limited scope in the UN context. Based on the observations described above, new listings are only likely in jurisdictions where the UN has existing sanctions. Considering the UN’s current geographical spread of sanctions, this means widespread coverage across Africa, DPRK, countries where the 1267 sanctions are active, and across the Middle East and parts of Central Asia, including against certain Taliban individuals and related entities in Afghanistan. This represents further limits to which targets could be designated around the world through UN sanctions.

In sum, the UN looks equipped only to address some aspects of modern slavery and human trafficking in a limited number of countries in the world and seems unlikely to increase the scope of current coverage. This is of concern because other parts of the world present major challenges in relation to modern slavery and human trafficking, which would remain unchecked via UN sanctions. This includes Russia and other former Soviet republics, China, Central and South-East Europe, South-East Asia, and West Africa. A solution here would be that a baseline set of UN sanctions against certain targets could be complemented by supplementary autonomous sanctions in areas where multilateral action is lacking.

United States

The US, by far the world's most prolific user of autonomous sanctions, uses the measures in a broader set of ways than the UN to address certain aspects of modern slavery and human trafficking. This section outlines the key areas of US legislation that are relevant in tackling modern slavery and human trafficking, followed by a description of some of the main sanctions used to date in this area.

US LEGISLATION ON MODERN SLAVERY AND HUMAN TRAFFICKING

The US recognizes transnational organized crime as a: "significant and growing threat to national and international security,"⁹³ with the country's Strategy to Combat Transnational Organized Crime, released on 25 July 2011, featuring "trafficking of persons" as a key area of concern.⁹⁴ The US' 2021 National Action Plan to Combat Human Trafficking places the need to end human trafficking at the forefront of the US' national security agenda, reportedly demonstrating the Biden Administration's commitment to addressing the problem.⁹⁵

Based on an integrated federal response to human trafficking, the action plan emphasises: "the importance of collaboration across government when investing resources in anti-trafficking policies and programs." It also highlights the value of collaboration with "state and local governments, the private sector, and non-governmental partners." It also focuses closely on what is described as: "the foundational pillars of U.S. and global anti-trafficking efforts – prevention, protection, prosecution, and partnerships."⁹⁶ Sanctions are mentioned explicitly under Prosecution,⁹⁷ where the National Action Plan states the need to: "enhance efforts to bring traffickers to justice by deploying a broad range of tools, including, where appropriate, financial sanctions, federal contracting suspension and debarment, and travel restrictions."⁹⁸ Under the Obama Administration, the National Security Council had already cited sanctions as a "key pillar"⁹⁹ of its 2011 Strategy to Combat Transnational Organized Crime, which highlighted the importance of "protecting the integrity of the global financial system through the use of financial tools and sanctions."¹⁰⁰

The US Senate ratified the UN 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2005.¹⁰¹ The US Congress has seemingly demonstrated an increasing interest in tackling the illicit finance angle of human trafficking over the past 20 years,¹⁰² particularly regarding the need to disrupt traffickers' ability to profit financially from such activities. This has included the enactment of several relevant pieces of legislation that seeks to eradicate human trafficking, including the Trafficking Victims Protection Act of 2000,¹⁰³ as well as subsequent reauthorization acts and associated legislation.¹⁰⁴ For example, the National Defense Authorization Act of the Fiscal Year 2020 contained provisions relating to the countering of illicit finance linked to human trafficking. Members of Congress have also introduced several bills related human trafficking. These include the End Banking for Human Traffickers Act of 2021, the Uyghur Forced Labor Prevention Act, and the Treasury Human Trafficking Coordinator Act.¹⁰⁵

The US Treasury has also played an important role in tackling human trafficking, including through the transmission of reports and referrals to Congressional Committees.¹⁰⁶ This has comprised the President's Interagency Task Force to Monitor and Combat Trafficking,¹⁰⁷ and the Office of Terrorism and Financial Intelligence,¹⁰⁸ which provides direction on policy, strategy, and operational matters relating to the "combating illicit financing relating to human trafficking." In parallel, a set of recent AML/CFT Supervisory Body Enhancements¹⁰⁹ requested that the Federal Financial Institutions Examination Council review and improve AML/CFT training and bank examination procedures to detect human trafficking-related financial transactions, in consultation with several parties, including the Secretary of the Treasury.¹¹⁰ Furthermore, the Financial Crimes Enforcement Network (FinCEN) in the US Department of the Treasury holds responsibility for administering the Bank Secrecy Act, alongside several AML provisions.¹¹¹ As part of this remit, FinCEN collects suspicious activity reports from banks and other financial institutions.¹¹²

US SANCTIONS TO TACKLE MODERN SLAVERY AND HUMAN TRAFFICKING

There are several ways that sanctions can currently be adopted by the US in relation to modern slavery and human trafficking. This can include sanctions against perpetrators of modern slavery and human trafficking where their roles in such activities have not been explicitly mentioned in the designation, but are covered under broader umbrella terms, similar to the UN context described above. The current set of measures include asset freezes, travel bans, and listings on the US' Specially Designated Nationals and Blocked Persons List, which blocks assets and prohibits US persons from dealing with them. The US' sanctions do not (yet) involve some of the more hard-hitting financial sector sanctions that have been applied against some targets, such as in the cases of Syria, Russia, Venezuela, Iran, and DPRK.

US Sanctions to Tackle Modern Slavery and Human Trafficking

While further detail is provided below, the US' use of modern slavery and human trafficking related sanctions can be summarized as follows:

1. Through *country-based sanctions regimes containing human trafficking-related designation criteria*, including:
 - “trafficking in persons” (Mali);
 - “recruitment or use of child soldiers” (Burundi, CAR, DRC, Mali, Somalia, and South Sudan);
 - through a declaration that slavery represents a “national security and foreign policy threat” (Sudan); and
 - “forced labor” (DPRK, including Russian private sector involvement).
 2. Through *thematic sanctions regimes addressing broader categories*, where modern slavery and human trafficking is typically included as a secondary concern, including in relation to:
 - criminal activities
 - drug trafficking;
 - corruption;
 - certain acts of violence; and
 - organized crime.
 - terrorist and non-State armed groups activities, including in relation to:
 - recruitment and use of child soldiers; and
 - sexual slavery.
 - human rights (encompassing various activities that fall under modern slavery and human trafficking).¹¹³
- Although not termed “sanctions” *per se* by the US Government, other similar measures include:
3. The *conditional withholding* of certain types of assistance; and
 4. The use of *import controls* in relation to supply chains that feature modern slavery and human trafficking.¹¹⁴

Under current legislation, the US President has the ability to establish sanctions against “significant foreign human traffickers; foreign persons who materially assist or support such traffickers; foreign entities owned or controlled by such traffickers, and foreign government officials who engage in or facilitate human trafficking for significant financial gain.”¹¹⁵ As described above, this could include the designation of foreign individuals and entities, the blocking of foreign assets held in the US’ jurisdiction linked to such persons and the prohibition of transactions with them, usually via Executive Orders issued by the President.¹¹⁶ The President could invoke such sanctions either through the International Emergency Economic Powers Act¹¹⁷ or through the 2019 Global Magnitsky Human Rights Accountability Act.¹¹⁸

- **Country-based sanctions containing human trafficking-related designation** criteria: Some US country-specific sanctions identify human trafficking (or activities linked to human trafficking) as one of the criteria for designation. These types of sanctions are typically designed to tackle wider foreign and security policy objectives, sometimes in compliance with UN Security Council requirements. Examples include the following:
 - **Trafficking in persons (Mali):** The US’ sanctions regime on Mali,¹¹⁹ imposed in relation to the country’s conflict is, according to Rosen and O’Regan (2021), the only US sanctions regime that explicitly allows for the designation of individuals or entities engaged in in “trafficking in persons.” It also includes other relevant criteria that allows for designation, such as the recruitment and use of child soldiers.¹²⁰ Five individuals designated under the regime are also under the UN’s Mali sanctions regime but were listed according to different criteria (in other words, their listings are not explicitly linked to modern slavery and human trafficking).¹²¹
 - **Recruitment or use of child soldiers (Burundi, CAR, DRC, Mali, Somalia, and South Sudan):**¹²² Country-specific sanctions regimes for a number of sub-Saharan African countries allow for the designation of individuals and entities involved in the recruitment or use of child soldiers (alongside other criteria) in relation to conflict and instability in these countries. Again, they are similar but not identical to UN lists on CAR, Mali, DRC, and South Sudan.¹²³
 - **Slavery as a national security threat (Sudan):** Executive Order 13067 of 3 November 1997 declared the prevalence of slavery, as well as other human rights violations in Sudan and actions of its government, as a US national security and foreign policy threat. It went on to impose a number of sanctions in relation to the declared national emergency, which were later lifted under Executive Order 13761 of 13 January 2017.¹²⁴
 - **Forced labour (DPRK):** Section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016¹²⁵ authorizes sanctions against individuals or entities involved in the operation and maintenance of forced labour camps.¹²⁶ Furthermore, Executive Order 13722 of 15 March 2016 allows for sanctions against those involved in “the exportation of workers from North Korea,” implementing UN Security Council requirements seeking to curtail access to sources of revenue by the DPRK Government.¹²⁷
- **Designations under sanctions regimes dealing with wider objectives:** The US also employs a range of thematic sanctions regimes that allow for coverage of modern slavery and human trafficking-related activities, described below:
 - **Criminal activities** (including corruption, drug trafficking, organized crime, and acts of violence):¹²⁸ Precedent for sanctions of these kinds include those targeted against criminal gangs in the Caribbean, Asia, and Central America that included human trafficking, including sex trafficking and child prostitution.¹²⁹ The transnational organized crime sanctions programme was established under Executive Order 12581 allowing for the designation of “members of, and those who offer material support to, transnational criminal organizations.”¹³⁰

- **Non-State armed** groups (including terrorist groups): The Office of Foreign Assets Control has designated a number of non-State armed groups that have engaged in human trafficking.¹³¹ Examples have included designations against members of Islamic State of Iraq and the Levant (ISIS) in relation to Yazidi sex slaves in Syria,¹³² al Nusra Front in relation to the recruitment of child soldiers in northern Syria,¹³³ and in Iran in relation to the recruitment and use of child soldiers.
- **Human rights:** To date, the Office of Foreign Assets Control has designated a number of individuals and entities under Executive Order 13818 (Global Magnitsky) in relation to human rights abuses in Xinjiang, though forced labour is not always mentioned outright.¹³⁴

In some cases, like in the UN context, sanctions can be placed on individuals or entities for a broader set of crimes or breaches of international norms that are unrelated to slavery or human trafficking, even when these crimes were included in the acts that they carried out.¹³⁵ In other words, engagement in modern slavery and human trafficking did not serve as the actual basis for their being designated but those deemed responsible for such acts were designated for related actions.¹³⁶ Also worthy of note¹³⁷ is that US sanctions have also been adopted for a number of other related, less serious criminal acts such as the illegal smuggling of migrants in the case of Libya,¹³⁸ organ trafficking in the case of trafficking of human kidneys in Pakistan,¹³⁹ and illegal adoptions in the case of a Ugandan scheme to manipulate families to give up children for adoption in the US.¹⁴⁰

While not technically classified as part of the US' traditional sanctions toolkit, the following related actions can be understood to represent "sanctions by other names," often exerting similar kinds of impacts:¹⁴¹

- **Import controls:** Import controls have been in place since 1930 that ban the import of goods that were "mined, produced, or manufactured wholly or in part in any foreign country by forced labor,¹⁴² convict labor, or/and indentured labor under penal sanctions, including forced child labor."¹⁴³ The controls were considered to lack teeth in light of a number of legal loopholes, until the intensification of enforcement efforts since 2016 and until the consumptive demand loophole was closed alongside an increase in the enforcement of the blanket prohibition.¹⁴⁴ In recent times, the US announced the use of the Tariff Act to prevent the import of all cotton and tomato products from the Xinjiang region of China in relation to forced labour concerns. Similar measures were employed at the time by Canada and the UK Governments.¹⁴⁵ Similarly, US Customs and Border Protection have adopted import bans on Malaysian glove makers and palm oil producers for abuses linked to forced labour.¹⁴⁶
- **Withholding of foreign assistance:** Among other measures, the Trafficking Victims Protection Act establishes "non-humanitarian,¹⁴⁷ non-trade-related foreign assistance restrictions on countries that are not committed to meeting the minimum standards for the elimination of severe forms of trafficking in persons, subject to certain waivers." Furthermore, The Child Soldiers Prevention Act of 2008,¹⁴⁸ also "established security assistance restrictions on countries that are engaged in or support armed groups that use or recruit child soldiers, subject to certain waivers and exceptions."¹⁴⁹

Significance of US Use of Modern Slavery and Human Trafficking-related Sanctions

The US' use of sanctions to tackle modern slavery and human trafficking can be characterized by the following observations:

1. **Transnational organized crime sanctions:**

The US differs from other actors in terms of its longstanding use of, and expertise in, sanctions tackling transnational organized crime, including drug trafficking. While the UK, Canada, and Australia have recently introduced some sanctions regimes relating to corruption, others such as the UN and EU, do not have thematic sanctions regimes to address these areas.

2. Complexity: As noted in one recent report: “[t]he diversity of sanctions programs under which human traffickers may be targeted presents challenges in measuring the scale and impact of the U.S. government’s use of sanctions to combat human trafficking worldwide. The scope of information that the [Office of Foreign Assets Control] publishes regarding sanctions designations also varies, limiting insights into the extent to which a targeted person is or was engaged in human trafficking.”¹⁵⁰ These present methodological constraints when seeking to assess US sanctions’ use to address modern slavery and human trafficking to date.

3. Likely trajectory: Although a number of mechanisms are in place that allow sanctions to be used to tackle the problem, their use is not yet widespread. According to one interviewee: “the most likely scenario is for future sanctions on modern slavery and human trafficking to be address via the Magnitsky or transnational organized crime sanctions, representing the largest thematic based US sanctions regime.”¹⁵¹ Such thematic regimes will “continue to make use of language on modern slavery and human trafficking in existing regimes, as opposed to sanctioning targets for that specific activity.” One interviewee noted: “the new US Council

on transnational organized crime does include specific language on human trafficking, however, and could possibly expand related designations.”

4. Flexibility: Making greater use of thematic sanctions regimes to address modern slavery and human trafficking could afford the US a considerable amount of flexibility in imposing asset freezes and travel bans on a range of targets around the world, something that the UN is less equipped to do, as discussed above. This is relevant as thematic sanctions regimes have allowed sanctioning powers, such as the US and EU, to apply sanctions to individuals or firms in friendly or allied countries. This can afford the sanctioning power a degree of flexibility in being able to sanction those deemed responsible for certain crimes or breaches of international norms without applying the more politically sensitive country-based sanctions.

5. Other tools: US sanctions addressing modern slavery and human trafficking currently lack an extraterritorial dimension and are also characterized by the absence of some of the more sophisticated financial sanctions tools that are present in the US’ highest profile country-based sanctions regimes. Unlike AML/CFT measures, US sanctions are not yet closely linked to financial sector tools to address modern slavery and human trafficking in any obvious way. On this front, an area for further consideration is how US sanctions can enable remedy for victims and survivors of modern slavery and human trafficking. For example, should only assets be frozen until the sanctions are lifted or should they also be seized in some instances where they can be used to compensate victims/survivors, legal considerations permitting? In the former case, such an approach may be used to incentivize a change in behaviour by the target. In the latter case, it acts as more of a punitive measure, while also potentially serving a symbolic and deterrent purpose regarding other would-be criminals engaging in modern slavery and human trafficking.

European Union

The EU has an explicit human rights mandate and is considered a global player in this field.¹⁵² Some of the key EU legislation that covers modern slavery and human trafficking is outlined below.

EU LEGISLATION ON MODERN SLAVERY AND HUMAN TRAFFICKING¹⁵³

The EU claims to have a “comprehensive approach to migration management,” whereby the “fight against human trafficking and smuggling is an essential part of this comprehensive approach.” The European Convention on Human Rights, which prohibits slavery and forced labour, is upheld by the European Court of Human Rights.¹⁵⁴ The EU also engages in numerous initiatives to clamp down on modern slavery and human trafficking, often with a strong securitisation focus in relation to the reduction of migratory pressures to Europe. An example is the EU’s support in 2020 to the Libyan Coast Guard, supported by Italy, Malta, and with training from Turkey, to block migratory movements along the length of the Libyan coastline.

The EU does not yet have legislation equivalent to the UK’s Modern Slavery Act (described below), although some member States have their own comparable national legislation in place.¹⁵⁵ The EU Agency for Law Enforcement Cooperation (EUROPOL) plays an important role in the EU’s fight against modern slavery and human trafficking, including through its Joint Liaison Taskforce on Migrant Smuggling and Trafficking in Human Beings (JLT-MS). Established in 2019 and coordinated through EUROPOL’s European Migrant Smuggling Centre, the taskforce seeks to identify criminal networks responsible for modern slavery and human trafficking. The taskforce provides analytical capabilities and tools and seeks to better assist in the coordination and cooperation between law enforcement bodies across the EU.¹⁵⁶ The taskforce also strives to target the proceeds of crime, including in areas relating to modern slavery and human trafficking. It argues that: “in addition to the investigation of migrant smuggling and trafficking in human beings, this strengthened coordinated approach will enable considerably the increase and effectiveness of parallel financial investigations, in particular money laundering and asset recovery.” A coordinated approach to sanctions planning in areas relating to modern slavery and human trafficking could thus benefit from close collaboration with EUROPOL and other agencies.¹⁵⁷

The EU is also working towards the release of a corporate human rights and environmental due diligence law under a current proposal for a Directive called Corporate Sustainability Due Diligence, released in February 2022.¹⁵⁸ However, the law is expected to face significant obstacles and delays.¹⁵⁹ In particular, it is not expected to become EU law until at least a year of talks between the European Commission, Parliament, and member State governments.¹⁶⁰ It is also expected to be subject to significant private sector lobbying.¹⁶¹ Going further than the UK’s Modern Slavery Act, marked by corporate (and now public sector) reporting, the EU law is: “expected to introduce [mandatory] requirements for all companies operating in the EU to take steps to prevent and address human rights and environmental harm along their value chains,” including in relation to forced labour.¹⁶² In preparation, the EU has issued non legally-binding “guidance on ‘forced labour’¹⁶³ risks in their operations and supply chains,”¹⁶⁴ which is intended to serve as a bridge gap until the relevant legislation is in place.

Under the current draft, large European firms could face legal action and financial penalties if they do not take action to address human rights or environmental abuses in their supply chains. While current iterations of the draft will not oblige European companies to withdraw specific non-compliant goods from the single market, as proposed by members of the European Parliament including in relation to concerns over the use of forced labour in the Xinjiang region of China, this may be subject to change in the future. Some companies, while reportedly supportive of the EU-wide framework, have warned that the private sector should not be expected to fulfil the role of government and warn that some expectations may be beyond their usual scope of activities.¹⁶⁵

The European Parliament has also called on the European Commission¹⁶⁶ to create a new EU instrument permitting the use of import bans on products linked to forced or child labour and other serious human rights abuses.¹⁶⁷ If approved, the tool, which is currently being developed, would represent a complementary measure to the EU legislation on corporate human rights and environmental due diligence along supply chains.¹⁶⁸ The measures would be similar to those employed in the US, Canada, and UK to curb imports linked to forced labour from the Xinjiang region in China and elsewhere¹⁶⁹ and would apply to all countries in the world. Those supportive of such measures highlight that “in early January 2021, three countries announced measures to prevent or stop imports linked to forced labour in the Xinjiang region in China - namely the US, Canada and the UK.”¹⁷⁰ A recent European Parliament report argues: “Experience from the US shows that such bans can be extremely effective and lead quickly to remedy for workers. However, we need to learn from the lessons of the US approach regarding the things that have not worked so well: we need to do it in a more transparent, remedy-centred way, that focuses on the impacts for people, and is not a hidden protectionist tool.”¹⁷¹

EU SANCTIONS TO TACKLE MODERN SLAVERY AND HUMAN TRAFFICKING

The use of sanctions to address modern slavery and human trafficking is not yet widespread in the EU context. On 14 June 2018, the EU Council transposed UN sanctions on Libya of 7 June into EU law, as per its obligation under Chapter VII of the UN Charter. In doing so, it adopted a travel ban and asset freeze on six prominent human traffickers and migrant smugglers active in and around Libya (four Libyans and two Eritreans).¹⁷²

Other than transposing UN sanctions, the EU could, in theory, impose sanctions under existing country-based autonomous sanctions regimes, including those that supplement UN measures, against individuals and entities linked to modern slavery and human trafficking. An example of one way the EU could use these sanctions would be in relation to the blacklisting of airline companies accused of transporting unregistered migrants to Belarus during the tensions at the Polish-Belarusian border. Former German Chancellor Angela Merkel’s spokesperson, Steffen Seibert, described the situation in social media as: “State-sponsored human trafficking.”¹⁷³ In a statement on 8 November 2021, EU President Ursula von der Leyen said: “The EU will ... explore how to sanction, including through blacklisting, third-country airlines that are active in human trafficking.”¹⁷⁴ Sanctions were also threatened against other sectors and groups in relation to “migrant trafficking,” including travel agencies and government officials.

The other way that the EU is currently able to enact sanctions in relation to modern slavery and human trafficking is through its new thematic human rights regime, created in close collaboration with similar but not identical regimes in the US, Canada, UK, and Australia. On 7 December 2020, the EU adopted its Global Human Rights Sanctions Regime (EUGHRSR),¹⁷⁵ allowing the bloc to designate individuals, entities, and other bodies, including State and non-State actors, deemed to be responsible for, associated with, or involved in serious human rights violations and abuses anywhere in the world. Council Decision (Common Foreign and Security Policy) 2020/1999 of 7 December 2020¹⁷⁶ established a framework for sanctions to address broad criteria of human rights violations, including:

- Serious human rights violations or abuses relevant to modern slavery and human trafficking, including slavery.
- Other human rights violations or abuses if “they are widespread, systematic or otherwise of serious concern as regards the objectives of the EU common foreign and security policy” (Article 21 of the Treaty of the European Union), including “trafficking in human beings.”¹⁷⁷

The application of these measures is carried out in line with customary international law and other widely accepted tools of international law.¹⁷⁸ Article 2 of the Council Decision states that: “Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of: natural persons who are responsible for acts set out in Article 1(1); natural persons who provide financial, technical, or material support for, or are otherwise involved in, acts set out in Article 1(1), including by planning, directing,

ordering, assisting, preparing, facilitating, or encouraging such acts; natural persons who are associated with the persons covered by points (a) and (b).” In addition to travel bans on individuals, they also allow for the freezing of assets of individuals or entities. EU individuals and entities are also forbidden from making funds available to listed persons either directly or indirectly.

Wider European Alignment with EU Sanctions

As is customary in EU sanctions practice, a range of third countries that neighbour the EU are routinely invited to align with EU restrictive measures. Article 9 of the Council Decision states: “in order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.” Those that have aligned to different Council Decisions linked to the EU’s sanctions regime include the Republic of North Macedonia, Montenegro, Albania, Bosnia and Herzegovina, Serbia, Iceland, Liechtenstein, Norway, Ukraine, Armenia, and Georgia (as

set out in Common Foreign and Security Policy Decision 2020/1999, 2021/372, and others). The Government of Norway, for example, states: “The EUGHRSR is largely in line with Norway’s definition of what constitutes the most serious human rights violations, and it will supplement existing sanctions regimes that apply to specific countries.”¹⁷⁹ As such, any future EU sanctions listing addressing modern slavery and human trafficking may also receive additional backing from several non-EU European countries. Switzerland, while it aligns with many US and EU sanctions regimes, is not invited through the same process, but instead makes decisions on autonomous sanctions adoption through a separate bilateral process.¹⁸⁰

Use of the EU’s human rights sanctions to address modern slavery and human trafficking is limited to date, with some early examples including the following:

- **Forced labour in the DPRK:** On 22 March 2021, the North Korean Ministers of State Security, Kyong-thaek Jong, and National Defence, Yong Gil Ri, were listed by the EU for serious human rights violations, including forced labour.¹⁸¹ This is similar but not identical to the US’ sanctions against a number of North Korean and Russian targets linked to forced labour in DPRK, albeit the US’ measures were imposed under the North Korea country-based regime.
- **Uyghur treatment in China:** Like in UN and US contexts, the EU’s current list also includes individuals whose roles are associated with modern slavery and human trafficking but are not necessarily described as such. This includes several officials from China’s Xinjiang Uyghur Autonomous Region, also listed on 22 March 2021 and deemed “responsible for serious human rights violations in China,” including acts such as “large-scale arbitrary detentions and degrading treatment inflicted upon Uyghurs and people from other Muslim ethnic minorities.” While the explanation for their listings does not include any terms directly connected to modern slavery and human trafficking, they describe the broader context in which such activities have been documented to take place.¹⁸²

Significance of EU's Use of Modern Slavery and Human Trafficking-related Sanctions

The EU's new human rights regime is lauded in providing a "clear direction in the combat of global human right violations."¹⁸³ It remains to be seen who, and under which grounds, the EU will start to target in relation to modern slavery and human trafficking and whether it will join others in creating a related thematic sanctions regime tackling corruption. Some consultations suggested that political appetite may be lacking to broaden the regime's use to cover a wider range of modern slavery and human trafficking activities, particularly required at the scale to disrupt and close entire networks, while also preventing them from springing up elsewhere. Others suggest that designations relating to modern slavery and human trafficking are likely to remain largely symbolic, with only a small number of individuals and entities listed. Others still suggest that sanctions will remain limited by high evidentiary standards and the subordination of human rights concerns, including modern slavery and human trafficking, over broader foreign and security policy considerations.

An additional way that the EU may work to broaden current coverage is to increase the use of supplementary autonomous sanctions relating to modern slavery and human trafficking in contexts where UN sanctions are already in place. While the future of both measures are uncertain, if adopted, the supply chain legislation and import ban could have notable impacts that should be closely combined with the bloc's wider sanctioning strategy.

The EU sanctions toolbox does not currently include corruption or corrupt practices linked to the financing of human rights violations as listing criteria.¹⁸⁴ Critics highlight the need to combine this sanctions regime with one able to target corrupt actors in parallel.¹⁸⁵ A recent Transparency International report argues: "Having both these elements is deemed essential to address the way in which dirty deals and State looting by corrupt actors can lead to conflict and human rights violations. Corruption sustains the financial and political power of kleptocrats and human rights abusers and strips away public funds from the people, crippling systems of accountability and undermining the very principles of democracy."¹⁸⁶

United Kingdom

UK LEGISLATION ON MODERN SLAVERY AND HUMAN TRAFFICKING

According to one expert study,¹⁸⁷ the UK is ranked as a global leader in its response to modern slavery, yet the much-lauded Modern Slavery Act of 2015¹⁸⁸ is considered to have fallen short of expectations. The UK has implemented several protocols, conventions, and primary legislation dealing with human trafficking, including its 2003 adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.¹⁸⁹ More recent regulations adopted by the UK government include the UK 2020 Global Human Rights Sanctions Regulations of 2020 and the UK 2021 Global Anti-Corruption Sanctions Regulation. Furthermore, the Sanctions and Money Laundering Act of 2018 allows sanctions to be used in relation to matters of national security, with serious organized crime being recognized as serious national security threat since 2015. The UK also benefits from other initiatives and platforms that seek to eradicate modern slavery and human trafficking, such as the work of the Modern Slavery Human Trafficking Unit in the UK National Crime Agency, which leads investigations into modern slavery and human trafficking and pilots innovative methods to disrupt perpetrators, in close collaboration with "police forces, regional organized crime units and international law enforcement."¹⁹⁰

UK SANCTIONS TO TACKLE MODERN SLAVERY AND HUMAN TRAFFICKING

In addition to transposition of UN sanctions into domestic law, the UK also imposes its own autonomous sanctions since its departure from the EU. Its broader sanctions approach has, to date, remained closely aligned with that of the EU. They are also closely planned alongside sanctions imposed by Canada and the US, with some notable exceptions, particularly in the latter case. This includes country-based and thematic sanctions regimes and is largely composed of asset freezes and travel bans. In particular to tackling modern slavery and human trafficking, the UK adopted the Global Human Rights Sanctions Regulations of 2020¹⁹¹ on 6 July 2020, which is the equivalent of the US' Global Magnitsky Act and other similar thematic human rights regimes. The UK also adopted the UK Global Anti-Corruption Sanctions Regulations of 2021, designed to tackle transnational organized crime. The UK Government is also reportedly considering whether to expand these sanctions regimes to tackle transnational organized crime. RUSI experts, who are leading on the research on behalf of the UK Government, indicate that these sanctions could possibly include a focus on modern slavery and human trafficking.

The UK's Global Human Rights Sanctions Regulations of 2020 allows the UK Foreign Secretary to impose asset freezes and travel bans on individuals, groups, and businesses "involved in" a series of human rights violations.¹⁹² The Protected Rights, in Section 4(2) of the Regulations under the Global Human Rights Sanctions Regime, includes the "right to be free from slavery, not to be held in servitude or required to perform forced or compulsory labour."¹⁹³ The UK Government has clarified that human trafficking is covered "in so far as it constitutes slavery or practices similar to slavery, servitude, or forced and compulsory labour" as well as sexual slavery and forced prostitution.¹⁹⁴ Unusually, there are no time limitations in relation to the application of these sanctions to historical cases. In addition, they are intended to "focus on both the political impact, behavioural change, deterrence, and accountability, and the practical impact, impact on assets and movement."¹⁹⁵

As noted in one leading report, the UK's use of sanctions to tackle modern slavery and human trafficking "is not a substitute for criminal prosecutions, but a useful tool to undermine the power of criminal syndicates and deter serious human rights abuses."¹⁹⁶ It goes on to note that the "biggest impact may well prove to be an incentive for UK-based financial services to conduct thorough due diligence so as to avoid enabling human rights abusers and organized crime."¹⁹⁷ The first round of sanctions was announced on 6 July 2020, targeting 47 individuals, including two North Korean organizations connected to the DPRK Government's forced labour camps.¹⁹⁸ A later report notes that a total of 72 individuals and six entities were sanctioned in the first year of the sanctions regime,¹⁹⁹ in relation to eleven distinct instances of human rights violations.²⁰⁰ It also noted that "sanctions against those suspected of involvement in violations of the right to life and the prohibition on torture were significantly more common than sanctions against individuals or entities suspected of involvement in the use of forced labour."²⁰¹ Only four designations, two individuals and two entities, were for violations of the right to be free from slavery and forced labour. These were concentrated in the cases of DPRK slavery in prison camps and alleged Myanmar treatment of the Rohingya minority group in relation to the "right to be free from slavery."²⁰² Targets in China are also listed in relation to the treatment of Uyghurs minorities, but the explanations given are not explicitly linked to forced labour or other areas of modern slavery and human trafficking.²⁰³

Significance of UK Sanctions Relating to Modern Slavery and Human Trafficking

According to one report, the new thematic sanctions regulations described above “will make it easier to sanction individuals and groups involved in human-rights violations and transnational organized crime. But the limited punitive arsenal means that the regulations may work best as a deterrent for financial service providers from engaging with criminal syndicates.”²⁰⁴ Some other observations follow:

- 1. Making an impact:** The explicit mention of “slavery, servitude, and forced labour” in the list of sanctions criteria of human rights violations indicates that UK Government should be willing to use the tool to target criminal human trafficking networks. The UK’s regulations have scope to play an important role in combating modern slavery and human trafficking, particularly when it comes to the importance of the UK property market and educational sector for money laundering and the potential role that the City of London could play in supporting financial sanctions against modern slavery and human trafficking. Furthermore, the insurance industry, with many large firms based in London, could also play a supportive role in re-enforcing sanctions through their policies and practices.
- 2. Limited scope?:** The Foreign, Commonwealth and Development Office notes that: “Because sanctions are primarily a tool of foreign policy, involvement in human rights violations or abuses in the UK would normally be addressed through ordinary law enforcement measures. However, there may be exceptional cases where [Her Majesty’s Government] will consider designating persons for involvement in human rights violations or abuses carried out by non-UK persons in the UK, such as where a person is no longer in the UK’s jurisdiction and we judge will not return to the UK for law enforcement purposes.”²⁰⁵ Such a statement suggests that the country’s use of sanctions to address modern slavery and human trafficking could be restricted to a limited number of contexts.

Furthermore, the use of the Global Human Rights Sanctions Regime to tackle modern slavery and human trafficking may change over time depending on the UK Government’s human rights priorities, which guide designations under this regime. At present, human trafficking is listed as a top priority, but government communications also note that priorities may shift over time.

- 3. Close international alignment?:** The UK Government “is likely to give particular consideration to cases where international partners have adopted, or propose to adopt, sanctions and where action by the UK is likely to increase the effect of the designation in addressing the issue in question.”²⁰⁶ This suggests that the UK will seek to align its modern slavery and human trafficking related sanctions closely to its traditional sanctions partners, namely the US, EU, Canada, Australia, and others.
- 4. The surprise element:** The UK Foreign Secretary is able to designate a target covertly, signifying that assets can be frozen prior to the target being made aware of the measures.²⁰⁷ Some argue that such actions can be an effective way to ensure that capital flight by the target is avoided. Indeed, the “surprise” element of sanctions has been shown to play an important role in sanctions effectiveness more widely, while ensuring that the targets’ due process rights are respected.
- 5. Role for other financial sanctions?:** While the UK’s current sanctions do not include some of the more sophisticated financial sector sanctions that have been used in the cases that include Russia, they nevertheless create criminal liability for UK firms (including legal and financial services) and require them to carry out stringent due diligence checks to be sure that they do not have dealings, direct or otherwise, with designated individuals or entities.²⁰⁸
- 6. Brexit:** The UK’s departure from the EU is thought by some to have caused an added layer of challenges to the UK’s ability to tackle the problem of modern slavery and human trafficking, in light of the sharp reduction in

information-sharing with EU neighbours and a more restrictive policy on immigration.²⁰⁹ Others have highlighted that the overarching objective of the sanctions instrument is to “further UK interests and post-Brexit foreign-policy objectives,” meaning that decisions to impose modern slavery and human trafficking

sanctions is essentially a political, rather than human rights accountability, question.²¹⁰ It also remains to be seen whether the UK would apply sanctions against targets in allied countries, particularly due to the UK’s need to negotiate new trade deals around the world.²¹¹

Canada

CANADIAN LEGISLATION ON MODERN SLAVERY AND HUMAN TRAFFICKING

Canada expanded and solidified its use of autonomous sanctions following a Parliamentary Review in 2016-17, which resulted in the creation of new authorities for listing targets from October 2017. This included legislative changes that allowed for the introduction of thematic, non-country based sanctions to address gross violations of human rights and significant acts of corruption.²¹² Canada’s sanctions are today imposed under several primary laws:²¹³

- The United Nations Act, is used to translate all the UN sanctions into Canadian law;²¹⁴
- The Special Economic Measures Act, amended in October 2017, is one of the principal federal statutes that Canada uses to impose autonomous sanctions;²¹⁵
- The Justice for Victims of Corrupt Foreign Officials Act, also known as the Sergei Magnitsky Law,²¹⁶ was passed into law in October 2017. It permits financial restrictions, including asset freezes, against officials engaged in gross human rights abuses and significant cases of corruption, and renders designated individuals inadmissible to Canada through the Immigration and Refugee Protection Act.

Other Canadian laws can also restrict or impose limits on certain activities with foreign nationals or foreign States, including the following:

- The Freezing Assets of Corrupt Foreign Officials Act²¹⁷ enables Canada to impose asset freezes or restrain the property of politically exposed foreign persons, such as government officials or politicians, at the request of a country undergoing internal turmoil or political uncertainty;
- The Immigration and Refugee Protection Act, in place since 2002, is used for travel bans enforced by the Canada Border Services Agency.²¹⁸
- The Export and Import Permits Act allows Canada to control the export or transfer of any goods or technology to countries in the Area Control List;²¹⁹
- The Criminal Code can be used to impose terrorist listings.²²⁰

Sanctions can be imposed by Canada on specific countries, organizations, or individuals and can include measures such as trade restrictions or prohibitions, curbs on financial transactions and other areas of economic activity between Canada and the targeted country, or the seizure or freezing of property in Canada.²²¹ Canadian sanctions laws apply to all persons inside the country and all Canadians outside it, including entities formed under the laws of Canada or a province.²²² They are not designed to have the extraterritorial reach of US secondary sanctions.

Both types of autonomous sanctions, typically imposed by Canada alongside those of other governments and regional organizations, are usually country-specific, but can also be thematic. Similar to measures developed by the EU, US, and post-Brexit UK, an example includes recent Justice for Victims of Corrupt Foreign Officials Act sanctions as well as earlier counter-terrorism measures.²²³ Most of Canada's autonomous sanctions are imposed in close coordination with at least one major ally.²²⁴ Canada has shown closer alignment to EU sanctions in recent years over those of the US.²²⁵ These similarities apply both in terms of the targets of the sanctions regimes and also their degree of discrimination.

CANADA SANCTIONS TO TACKLE MODERN SLAVERY AND HUMAN TRAFFICKING

It is not possible to ascertain from the Government of Canada's website if these sanctions have been employed to date in a way that are explicitly linked to modern slavery and human trafficking as the reasons for designation are not provided as part of the autonomous sanctions consolidated target list.²²⁶ Further research is warranted to explore the likelihood of their use going forward.

Australia and Other States

LEGISLATION ON MODERN SLAVERY AND HUMAN TRAFFICKING

Australia's National Action Plan to Combat Modern Slavery 2020-25²²⁷ provides the strategic framework for Australia's response to modern slavery. Australia's "slavery, slavery-like and human trafficking offences" are outlined in Division 270 and 271 of the Commonwealth Criminal Code Act 1995.²²⁸ Australian legislation that criminalizes modern slavery and human trafficking are contained in Divisions 270 and 271 of the Commonwealth Criminal Code Act 1995 (Criminal Code).²²⁹

AUSTRALIA SANCTIONS TO TACKLE MODERN SLAVERY AND HUMAN TRAFFICKING

In December 2021, Australia's Parliament approved the expansion in scope of its sanctions legislation in relation to human rights and corruption, among other areas. The Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021,²³⁰ as well as adjustments to the 2011 Autonomous Sanctions Regulations, established new thematic sanctions regimes.²³¹ This builds on Australia's ability to include human rights abuses under existing country-based regimes. They allow for the use of targeted financial sanctions, particularly asset freezes and travel bans "to ensure increased scrutiny of perpetrators of the most egregious situations of international concern."

The Government of Australia claims the new measures would: "enable Australia to respond more flexibly and swiftly to a range of situations of international concern, including in collaboration with our close allies and partners when in our national interest...[and] to deny perpetrators and beneficiaries of the most egregious conduct of international concern from accessing our economy and benefiting from the freedoms our democracy allows." The measures allow for designations in relation to modern slavery and human trafficking outside of the country-based sanctions regimes.²³² The Australian Department of Foreign Affairs and Trade outlined that targets may be designated in relation to areas such as the "right not to be held in slavery or servitude," the "right not to be required to perform forced or compulsory labour."²³³ The thematic sanctions do not appear to have been used to address modern slavery and human trafficking so far, whereas some of the earlier country-based regimes have mentioned it, including in relation to forced labour in DRC and the use of child soldiers South Sudan.²³⁴ Again, further research is required on this burgeoning area.

A NOTE ON LIKELY FUTURE USE BY OTHER STATES

Developments in countries such as Japan, South Korea, New Zealand, and Switzerland may also lead in time to an increase in use of autonomous sanctions to address modern slavery and human trafficking. This is, in part, because these countries selectively align with some autonomous sanctions employed by the US, EU, and other allied countries.

Challenges in Current Use of Sanctions to Tackle Modern Slavery and Human Trafficking

There are a number of gaps in the current set-up of global sanctions practice to address modern slavery and human trafficking, though this evolving area is also subject to a number of opportunities for improvement. These are summarized below.

- **Poor understanding of impacts and effectiveness:** There are several ways that multilateral and autonomous sanctions are currently being used to address modern slavery and human trafficking, as illustrated above. Nevertheless, to date, a major gap remains in understanding their impacts or effectiveness.²³⁵ Part of the problem centres on the challenges of assessing sanctions in isolation from other policy tools and processes. In wider criminal-related sanctions, measures of effectiveness sometimes focus on numbers of assets frozen or listing/delisting rates. Yet, as pointed out by one interlocutor from RUSI, these are “process indicators,” similar to those used by the police in relation to numbers of arrests and other measures of law enforcement. Instead, a more useful form of assessment would be to focus on achievements against policy objectives such as dismantling human trafficking networks. A better understanding of these sanctions could help support and improve their use while acknowledging that such an assessment should focus holistically on the full set of policy instruments at play. The target of the sanctions and their role in the trafficking network are also important factors when considering effectiveness.
- **Gaps in implementation and enforcement:** To date, no study (to the best of the author’s knowledge) has sought to assess challenges surrounding implementation and enforcement of these kinds of sanctions. Anecdotal evidence suggests that, in the case of Libya, it was difficult to implement the asset freezes considering different subsidiaries used to execute payments and different jurisdictions involved that could interpret legislation in different ways. On an operational level, difficulties identifying individuals on databases can occur when names are written in a variety of languages, scripts, and in different formats.
- **Lack of understanding on cumulative impacts:** No study has yet shown how different multilateral and autonomous sanctions regimes on modern slavery and human trafficking may overlap or whether the layering of similar types of sanctions against similar targets helps or frustrates attempts to reduce modern slavery and human trafficking. This is complicated by the absence of an established methodology to evaluate collective affects, for example, accounting for the full panoply of measures in place from a global perspective, and methodological challenges implicit in doing so. Forging a clearer understanding of this area is important, both in terms of strategic planning among allied sanctioning powers to ensure sanctions success rates are maximized, as well as coordination to ensure unintended consequences are minimized.

- **Greater need to anticipate evasion tactics:** Interviews suggested gaps in current implementation approaches, whereby it is not clear how policymakers and law enforcement agencies anticipate evasion tactics, and how they will measure if modern slavery and human trafficking activities are reducing or just being displaced. This is especially difficult due to the opacity of transnational organized crime networks. Indeed, the current use of sanctions could simply encourage targets to shift to other jurisdictions given the current low levels of use and patchy implementation.
- **Scope for formalized international and inter-agency collaboration:** Working together with a close coalition of sanctioning actors and in collaboration with law enforcement agencies could help reduce the risks described above. Nevertheless, there are no fully formalized mechanisms in place to allow key sanctions actors to plan, assess, and monitor collective impacts of sanctions regimes in any systematic way, even though notable political and sovereignty considerations currently stand in the way. It also calls for capacity-building and uptake of technology-based tools to assist in these areas.
- **Strategic coordination with other policy instruments:** Studies have shown that sanctions efficacy can be heightened when sanctions are closely combined with other policy tools. As few sanctions are currently imposed in close collaboration with law enforcement agencies, this is an area that will need to be carefully considered for optimal results to be achieved. Work carried out elsewhere, including by the FAST initiative, has shown that “financial sector stakeholders, both public and private, can work to strengthen compliance with AMF/CFT laws.”²³⁶ Similar steps could be taken with regards to sanctions planning, given that only a few sanctions regimes have involved close collaboration with the private sector, particularly those of a financial nature.
- **Mismatch with political objectives?:** In many instances, the use of sanctions to tackle modern slavery and human trafficking is closely linked to individual sanctioning powers, and their foreign and security policy objectives, rather than strict human rights considerations. This leaves the use of such tools to tackle these areas subject to shifting political strategies, including in relation to changes in government, reprioritization of perceived threats and priorities, or cuts to funding. Concerns over political support can also be present in relation to the indirect routes that these illicit flows take – for example, traversing various countries and continents around the world, sometimes in poorly understood flows of people and goods. Some policymakers might ask whether a network that includes illicit activities in a distant land should be of concern to everyone’s national security, or only that of a given country where they operate. The fact that the use of transnational organized crime-related sanctions declined under the Trump Administration, with a preference for other non-sanctions tools to tackle areas such as drug trafficking, suggests that the use of such measures can be subject to political motivations and approaches of any given government in question. Furthermore, political concerns may prevent sanctions against some government officials responsible for modern slavery and human trafficking, even though sanctions addressing State-sponsored activities such as forced labour may have potential to be effective, depending on other policy tools employed in unison.
- **Are sanctions an appropriate tool?:** Some experts and former practitioners consulted for this report questioned whether sanctions were the most appropriate tool to tackle modern slavery and human trafficking. This is accentuated by the fact that, to date, many sanctions addressing the problem are largely limited to “naming and shaming” or a signalling function. In the US, for example, experts predict that most future sanctions addressing modern slavery and human trafficking will be enacted in the broader Magnitsky (human rights) context, likely only against a few individuals in specific jurisdictions and only in relation to some areas of modern slavery and human trafficking activities. As such, their scope for seriously disrupting or closing related activities looks unlikely but their deterrent effects may be greater, in a similar way to strategic prosecutions against significant traffickers. Conversely, others highlight some of the successes that US sanctions in these realms have had, which can serve as a basis for modern slavery and human trafficking-related sanctions design elsewhere, political will permitting.
- **Patchy capacity and political will:** Even where political support exists for the enforcement of sanctions, such as in the case of the US where there is currently a high level of bipartisan support for their use to

tackle transnational organized crime, including modern slavery and human trafficking, their impacts can be compromised through poor enforcement in other countries. The situation is understood to be made worse through low levels of capacity, awareness, and political will in many parts of the world. This is also a problem in other sanctions regimes, such as in the case of the UN Security Council arms embargo on DPRK. Enforcement has been shown to be low in parts of Africa, Asia, and Latin America, often due to a combination of capacity and political reasons.²³⁷ In some countries, legal frameworks may be lacking for customs and border controls, making controls over products linked to forced labour harder to implement. Even in those countries where they are in place, resourcing may be insufficient. Even in the US, which is comparatively well staffed in comparison to other major sanctioning actors, sanctions to tackle modern slavery and human trafficking, including through transnational organized crime-related designations, have suffered in the past from under resourcing. For example, a recent Center for a New American Security report notes: “Under the Trump Administration, it is possible that Washington’s intensive use of sanctions for other purposes, such as the ‘maximum pressure’ campaigns on Iran, Venezuela, and North Korea, consumed much of the Office of Foreign Assets Control’s (OFAC) limited resources, leaving less bandwidth for transnational crime-related designations”²³⁸

- Low appetite to broaden the scope?:** The current absence of detailed assessments on the impacts and efficacy of modern slavery and human trafficking-related sanctions complicates attempts to evaluate whether current measures are broad enough in scope. Nevertheless, the fact that – in most cases – they have only been applied against a limited number of targets, rather than tackling entire networks, suggests that they could benefit from a broader scope and a more consolidated strategy. An exception to this rule could be the US’ use of thematic sanctions in the Americas to tackle organized criminal networks. Some experts consulted for this report argued that it could be beneficial to make use of existing country-based and thematic regimes, which then could be used to expand serious organized crime-focused sanctions within them, instead of creating a whole new regime. In the UN context, the scope only currently extends to contexts of peace and security, including in relation to conflict cessation and terrorism. In the EU, the use of sanctions to address modern slavery and human trafficking is largely limited to human rights considerations, rather than criminality and corruption, which does not necessarily imply a weakness in the current regime but rather a question of appropriate framing. Herein lies a major opportunity in that the EU is the world’s biggest trading bloc and the leading normative actor on human rights. Nevertheless, one report argues that: “As more jurisdictions adopt sanctions regimes that tackle corruption, the EU risks becoming a loophole and a safe haven for the corrupt... This gap between the EU and other major sanctions regimes positions the EU behind other global standard-setters.”²³⁹ In the UK, moves will soon allow it to apply sanctions under a broader range of contexts but it remains to be seen how these measures will be employed.
- Limits to levels of ambition?:** The fact that most sanctions regimes and listings addressing modern slavery and human trafficking only feature asset freezes and travel bans suggest that their use is more symbolic at the present stage, rather than intended to seriously disrupt the financing of relevant groups. To be more effective on this front, it could be beneficial to make use of a broader range of financial sector sanctions and those that are intended to prevent perpetrator’s access to other key resources. In doing so, policymakers and financial institutions should make sure that this does not lead to worsening levels of financial exclusion, as described below.
- Poor strategic use of communications:** Details on how the UN and others are using sanctions to address modern slavery and human trafficking are not clearly communicated at present.²⁴⁰ It is also not clear, to what extent sanctions against similar targets are being planned, monitored, and assessed in unison across different sanctions regimes. Furthermore, the objectives of these sanctions are not always clearly articulated, what precise outcomes are desired when using sanctions. Earlier studies have found that clear communications on the objectives of the sanctions, and what targets need to do for them to be eased or lifted, is key to their success.²⁴¹ This is also important regarding sanctions imposed against private sector entities. On this note, one report argues that: “Conditionality for the lifting of bans or easing of restrictions should always be that companies take measure to improve the situation on the ground.”²⁴²

- **Conflation of trafficking and migration agendas?:** Another area of confusion identified in this research is that modern slavery and human trafficking listings relating to trafficking in persons²⁴³ and smuggling of migrants may be combined in several ways, even when they relate to different offences, and, in the UN context, relate different Protocols of the UN Convention against Transnational Organized Crime. A similar blurring of lines appears to happen in the EU context where measures to address migrant smuggling or tackling human trafficking are often conflated, with some appearing to believe that the two problems can be tackled in unison, which is not always the case.
- **Gaps in implementation by domestic agencies:** In broader political and law enforcement terms, the ten countries rated as taking the most action to address modern slavery are: the UK, Netherlands, US, Portugal, Sweden, Argentina, Belgium, Spain, Croatia, and Australia.²⁴⁴ These and other leading countries show “strong political will, high levels of resources, and a strong civil society that holds governments to account.” At the same time, it highlights a discrepancy in some countries between well-intentioned policy and effective enforcement. Finding a solution to these challenges, while also ensuring governments are engaging closely in any applicable sanctions’ frameworks will be key. A 2019 Walk Free study that provides an independent assessment of the approaches used by 183 governments in addressing modern slavery highlights major gaps regarding: identification and support of survivors; establishment of effective criminal justice systems; coordination mechanisms; processes for accountability and; transparency on commercial supply chains.²⁴⁵ All these factors will also be vital in the effective planning and enforcement of any future modern slavery and human trafficking sanctions and implementation of current regimes.
- **Need for capacity-building in host countries:** In considering the ten countries that were identified by the same Walk Free study as taking least action in relation to modern slavery,²⁴⁶ it is worth noting that among the worst offenders, such as DPRK, Iran and Russia, are also those countries that are subject to some of the most comprehensive and multilayered sanctions regimes in the world. This means that effective collaboration with domestic agencies in these countries will be unlikely, unless it is possible to reach an agreement as part of wider diplomatic relations, which currently seems highly unrealistic. Consultations highlighted the need for better reporting, clearer guidance, closer coordination, and greater investment in training, sharing of best practice, and capacity-building. Furthermore, and as noted by the European Parliament report on import bans to tackle modern slavery and human trafficking, “sanctions are tailored at country level or specific product or tariff lines. Inserting a ban relative to products made by forced labour would require significant adaptation (and institution building) to allow for sanctions on specific economic actors. Given that such amendments should happen across several trade regimes, there is an additional challenge of alignment across trade relations.”²⁴⁷
- **Gaps in implementation by financial institutions:** Financial institutions have accumulated significant experience in navigating complex compliance landscapes over the past two decades, including in relation to sanctions and AML/CFT regulations. However, where there appear to be gaps, it is in relation to expertise and awareness relating to the use of sanctions specifically to address modern slavery and human trafficking. This is an area highlighted by interviewees as warranting more investment.²⁴⁸ In addition, some warned that while many financial institutions are now flagging human trafficking, this is done more from a preventative rather than reactive stance. In parallel, the FAST initiative has demonstrated the importance of specialist tools for use by financial institutions to assist in compliance, including artificial intelligence.²⁴⁹ This report proposes that similar consideration be given for specialist FinTech/GovTech tools that will allow financial institutions to better support and comply with financial sanctions tackling modern slavery and human trafficking.
- **Unintended humanitarian consequences:** Introducing the new human rights sanctions regime in Parliament, the then Foreign Secretary, Dominic Raab, stressed: “these sanctions are a forensic tool, they allow us to target perpetrators without punishing the wider people of a country affected.”²⁵⁰ To an extent, this is correct, sanctions that are highly targeted against a small number of individuals can serve to limit negative consequences on a country’s population. If broader sectoral or financial sector sanctions begin to be employed, humanitarian impacts may start to become visible, particularly in case

where financial sectoral sanctions are used. The same is also true if companies that play an important role in a country's economy through employment or taxes, or entire government departments, are targeted through one or more sanctions regimes, as is the case in US sanctions against Venezuela, Syria, Iran, and DPRK as well as the EU's measures against targets in the latter three countries. It would seem unlikely that such hard-hitting sanctions would be employed to tackle modern slavery and human trafficking, but such considerations should be kept in mind when financial sanctions lead to a drop in available capital or a sharp decline in socioeconomic indicators or affect livelihoods in other notable ways, such as barriers to the sending of household remittances and the receipt of essential goods, or a rise in unemployment.

- **Other unintended consequences:** Some UN sanctions regimes have been assessed to have benefited human trafficking networks inadvertently, such as in the case of Sudan. The UN Sanctions App, for example, notes that unintended consequences of the UN's Sudan sanctions have led to: "resource diversion, decline in the credibility and/or legitimacy of UN Security Council, increase in criminality, particularly along the Libyan border, where former Darfur rebel groups assist and benefit from human trafficking networks."²⁵¹ The matter remains another under researched area.²⁵²
- **Risks of a vicious circle between de-risking and modern slavery and human trafficking:** Some of the most evident impacts of de-risking linked, in part, to stringent sanctions and AML/CFT requirements, include: the inability to use formal banking channels, challenges using regulated remittance channels, barriers to the trade in essential goods, constraints placed upon NGOs, and the shrinking of the "humanitarian space." This can lead entire communities or countries becoming financially excluded or "unbanked," with associated negative humanitarian consequences. This results in increased vulnerability and decreased resilience, which can then leave individuals and communities more susceptible to the risks of modern slavery and human trafficking as well as other pressures, such as the onset of new conflicts. These are all factors that could then lead to a rise, rather than reduction, in modern slavery and human trafficking. This may result in a vicious circle where new regulations are imposed to tackle modern slavery and human trafficking end up inadvertently fuelling their rise.
- **COVID-19:** The situation has been further exacerbated by the COVID-19 pandemic. Heavily sanctioned countries, or those suffering from "de-risking," have shown to be particularly ill-equipped to tackle the pandemic.²⁵³ At the same time, the pandemic has also placed additional downward pressures on employment, social security, public health facilities,²⁵⁴ and household remittance flows that in ordinary times work in a counter-cyclical manner to economic health and provide a vital lifeline to vulnerable communities around the world. The pandemic is the first time this has not been the case, signifying that the close relationship between de-risking, financial exclusion, and modern slavery and human trafficking should be paid particular attention at present.

Recommendations for FAST

To optimize the effectiveness of sanctions in tackling the financial angle of modern slavery and human trafficking and to assist in closing illicit financial flows, and ultimately trafficking networks, the following steps should be considered:

- **Conduct further research to inform sanctions implementation on modern slavery and human trafficking:**
 - Develop a methodology and conduct research to assess the impacts and effectiveness of modern slavery and human trafficking-related sanctions used to date to capture all types of measures, including those listed under broader umbrella terms. This could include an assessment of how overlapping sanctions regimes against similar targets may be having an impact.
 - Execute a detailed mapping exercise, with the option for its inclusion in a regularly updated database available online, to capture all types of sanctions engaged in relation to modern slavery and human trafficking, including those with no mention of relevant terms but relating to known perpetrators. This could be linked to other existing sanctions databases, such as the UN Sanctions App²⁵⁵ and other similar platforms regarding the US, EU, UK, Canadian, and Australian measures alongside any new actors that start using sanctions to address these challenge.
 - Carry out in-depth consultations with US officials, former and serving, on the use of sanctions to address transnational organized crime in the Americas, such as in relation to drug trafficking, to generate detailed guidance and capture lessons learned.
 - Investigate challenges surrounding implementation and enforcement with regards to closer collaboration with governments and law enforcement agencies around the world and use of available tech-based innovations.
 - Identify and commission new research that should be accessible to the policy community, useful to financial institutions and serve as inspiration for further research by universities and research institutions.
- **Establishment of:**
 - A platform that serves as a repository on relevant publications, projects, initiatives, and other resources specifically on sanctions relating to modern slavery and human trafficking.
 - A multi-stakeholder forum/dialogue to include the UN, governments, financial institutions, survivor groups, and “tech-for-good”/financial technology specialists. This would have a focus on sectoral consultations, sharing of best practice, building of trust, awareness raising, capacity-building, and identification of action on mitigating de-risking as well as development of new tech platforms. Outputs could include a series of resources and network to aid policymakers and financial institutions developing and enforcing new sanctioning strategies to address the problem.

- A research network, to include those already leading on important aspects relevant to modern slavery and human trafficking sanctions, such as measures to address transnational organized crime.
- An expert working group or commission, composed of experienced former or serving practitioners and experts, able to advise on the direction of research and policy engagement.
- **Design and coordination of:**
 - A training course, including options for e-learning workshops, to be made available to relevant stakeholders on sanctions and modern slavery and human trafficking.
 - A “tech-sprint” to identify existing technology that could assist with the more effective use of modern slavery and human trafficking-related sanctions, and avoidance of unintended consequences of de-risking, which could include the creation of new products should appropriate innovations not be found that are able to meet existing needs.
- **Production of:**
 - A blueprint on effective and ethical use of sanctions to tackle modern slavery and human trafficking.
 - A modern slavery and human trafficking sanctions “checklist” to equip policymakers in the adoption of new measures.
 - A series of detailed recommendations for policymakers and the private sector to assist in the effective planning, adoption, and implementation of modern slavery and human trafficking-related sanctions.
 - Creation of a communications strategy to focus on awareness-raising and capacity-building.

POLICY RECOMMENDATIONS

More widely, when new sanctions are being planned and executed to tackle modern slavery and human trafficking, policymakers could pay close attention to the following areas:

- Consider scope for closer international cooperation and establishment of formalized mechanisms to allow for planning and assessment that seeks to close diversion gaps in order to constrain modern slavery and human trafficking networks.
- Provide clarity and guidance on national expectations and regulations.
- Strengthen the use of sanctions regimes to include a broader range of instruments, including those of a financial nature.
- Facilitate public-private and intergovernmental/international organization information-sharing.
- Strive for clearer use of terminology, in listing criteria in relation to modern slavery and human trafficking as well as provision of information on modern slavery and human trafficking sanctions use to date.
- Support capacity-building, sharing of best practices, awareness raising and training across sectors.
- Engage with the private sector on sanctions design.
- Increase capacity and resourcing across stakeholder groups.
- Explore ways to reduce de-risking.

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41. Clara Portela, "The Spread of Horizontal Sanctions," Centre for European Policy Studies, 7 March 2019, <http://www.ceps.eu/the-spreadof-horizontal-sanctions>; Erica Moret, Francesco Giumelli and Nikolay Bozhkov, "Space Exploration: Mapping the EU's Cyber Sanctions Regime," *Guardian of the Galaxy: EU Cyber Sanctions and Norms in Cyberspace* eds. Patryk Pawlak and Thomas Biersteker (Paris: European Union Institute for Security Studies, 2019); Erica Moret and Clara Portela, *The EU's Chemical Weapons Sanctions Regime: Defending a Taboo under Attack* (Paris: European Union Institute for Security Studies, 2020).
42. Clara Portela, "Sanctions and the European Neighbourhood Policy," *The Routledge Handbook on the European Neighbourhood Policy* eds. Tobias Schumacher, Andreas Marchetti, Thomas Demmelhuber (Oxford: Routledge, 2017).
43. Elin Hellquist, "Regional Organizations and Sanctions against Members: Explaining the Different Trajectories of the African Union, the League of Arab States, and the Association of Southeast Asian Nations," *KFG Working Paper Series* 59 (2014)
44. While debate continues over the efficacy of economic sanctions in general, there is widespread acknowledgement that they can be useful in particular contexts e.g. Gary Clyde Hufbauer et al., *Economic Sanctions Reconsidered*: 3rd edition (Washington DC: Peterson Institute for International Peace, 2007). Nevertheless, assessing the effectiveness of sanctions is a major challenge in light of difficulties identifying causality. This study found that they were effective around 30 per cent of the time. Another leading study by Thomas J. Biersteker, et al, "UN Targeted Sanctions Datasets (1991-2013)," *Journal of Peace Research* 55, 3 (2018): 404-412. This found that UN targeted sanctions were effective 22 per cent of the time overall, with a 28 per cent success rate in constraining; a 27 percent success rate at signaling and a 10 per cent success rate in coercing behavioural change in a target.
45. Francesco Giumelli, "New Analytical Categories for Assessing EU Sanctions," *The International Spectator: Italian Journal of International Affairs* 45, 3 (2010): 131-144.
46. Thomas J Biersteker et al., "UN Targeted Sanctions Datasets (1991- 2013)," *Journal of Peace Research* 55, 3 (2018): 404-12.
47. Ibid.
48. Ibid.
49. "UN Sanctions App," Graduate Institute Geneva, last accessed 22 March 2022.
50. Jason Bartlett and Megan Ophel, "Sanctions by the Numbers: Transnational Crime and Drug Trafficking," Center for New American Studies, 30 November 2021, <https://www.cnas.org/publications/reports/sanctions-by-the-numbers-transnational-crime-and-drug-trafficking>.
51. Ibid.
52. See, US Department of the Treasury, *Combating Human Trafficking* (Washington DC: Department of the Treasury, 2020); Organization for Security and Co-operation in Europe (OSCE), *Follow the Money: How Financial Investigations Aid in the Fight Against Trafficking in Human Beings* (Vienna: OSCE, 2020); Jamille Bigio, "Human Trafficking Helps Terrorists Earn Money and Strategic Advantage," *Foreign Policy*, 31 January 2020, <https://foreignpolicy.com/2020/01/31/human-trafficking-helps-terrorists-earn-money-and-strategic-advantage/>.
53. Jason Bartlett and Megan Ophel, "Sanctions by the Numbers: Transnational Crime and Drug Trafficking," Center for New American Studies, 30 November 2021, <https://www.cnas.org/publications/reports/sanctions-by-the-numbers-transnational-crime-and-drug-trafficking>.

54. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
55. Erica Moret, Francesco Giumelli and Nilolay Bozhkov, "Space Exploration: Mapping the EU's Cyber Sanctions Regime," *Guardian of the Galaxy: EU Cyber Sanctions and Norms in Cyberspace* eds. Patryk Pawlak and Thomas Biersteker (Paris: European Union Institute for Security Studies, 2019); Erica Moret and Clara Portela, *The EU's Chemical Weapons Sanctions Regime: Defending a Taboo under Attack* (Paris: European Union Institute for Security Studies 2020), <https://www.iss.europa.eu/content/eu%E2%80%99s-chemical-weapons-sanctions-regime>.
56. Alexandre Prezanti, "Sanctions: A new UK Tool Against Organized Crime?," Global Initiative Against Transnational Organized Crime, 10 August 2020, <https://globalinitiative.net/analysis/sanctions-uk-oc/>.
57. De-risking is driven, in large part, by the increasing complexity of banking requirements, coming to the fore following the 9/11 terrorist attacks. US Treasury banking fines, sometimes entering into the billions of US dollars, has also contributed to over-compliance and de-risking in banks.
58. De-risking, including the decrease in correspondent banking channels, which can lead to financial exclusion of so-called "high-risk" countries, has been described as a global crisis by the International Monetary Fund (IMF), World Bank, Financial Stability Board (FSB) and the Financial Action Task Force (FATF) (for a detailed description of these debates. See, Erica Moret, "Time to Act: Harmonizing Global Initiatives and Technology-based Innovations Addressing De-risking at the Interfacing Sanctions-Counterterrorism-Humanitarian Nexus," *International Sanctions: Improving Implementation through Better Interface Management* eds. Sascha Lohmann and Judith Vorrath (Berlin: Stiftung Wissenschaft und Politik, 2021), https://www.swp-berlin.org/publications/products/arbeitspapiere/WP_International_Sanctions.pdf.
59. While little has been published to date on this area, this is the focus of a project run by the author of this report. See, Erica Moret, Grégoire Mallard and Zachary Douglas, "When Money Can't Buy Food and Medicine: Banking Challenges in the International Trade of Vital Goods and their Humanitarian Impacts in Sanctioned Jurisdictions," Graduate Institute Geneva, 11 May 2021, <https://www.graduateinstitute.ch/communications/news/when-money-cant-buy-food-and-medicine-banking-challenges-international-trade>.
60. Joseph, Dahler and Erica Moret, *Invisible Sanctions: How Over-compliance Limits Humanitarian Work on Syria: Challenges of Fund Transfer for Non-Profit Organizations Working on Syria* (Berlin: IMPACT - Civil Society Research and Development, 2020), <https://www.impact-csr.org/invisible-sanctions/>.
61. Financial Action Task Force (FATF), *Financial Flows from Human Trafficking* (Paris: FAFT, 2018).
62. Organization for Security and Co-operation in Europe (OSCE), *Following the Money: Compendium of Resources and Step-by-step Guide to Financial Investigations into Trafficking in Human Beings* (Vienna: OSCE, 2019), <https://www.osce.org/secretariat/438323>.
63. The report does not mention sanctions but outlines the role of AML regimes in combating human trafficking.
64. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
65. See Egmont Group of Financial Intelligence Units, *Annual Report 2019-2020* (Ottawa: Egmont Group of Financial Intelligence Units, 2020), <https://egmontgroup.org/en/system/files/filedepot/10/Egmont%20Group%20Annual%20Report%202019-2020.pdf>.

66. Other relevant African legislation or agreements includes; Organisation of African Unity, "The African Charter on Human and Peoples Rights," Nairobi, 1 June 1981, CAB/LEG/67/3; Organisation of African Unity, "The African Charter on the Rights and Welfare of the Child," Organisation of African Unity, Addis Ababa, 1 July 1990, CAB/LEG/24.9/49; African Union, "The African Common Position on Children (Declaration and Plan of Action 2001)," African Union, Cairo, 31 May 2001; African Union, "The Constitutive Act of the African Union," African Union, Lomé, 11 July 2000; African Union, "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa," African Union, Maputo, 2003; The African Union, "The African Common Position on Migration and Development," African Union, Banjul, 29 June 2006.
67. Chris Mensah-Ankrah and Rex Osei Sarpong, *The Modern Trend of Human Trafficking in Africa and the Role of the African Union* (Accra: Eban Centre for Human Trafficking Studies, 2017), https://www.researchgate.net/publication/322050335_The_Modern_Trend_of_Human_Trafficking_in_Africa_and_the_Role_of_the_African_Union.
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69. "About the Bali Process," The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, last accessed 23 March 2022, <https://www.baliprocess.net>.
70. Other relevant UN legislation or agreements includes: United Nations General Assembly, "The Universal Declaration of Human Rights," United Nations, New York, 10 December 1948; United Nations General Assembly, Convention on the Elimination of all forms of Discrimination against Women," United Nations, New York, 18 December 1979; Fourth World Conference on Women, "The Beijing Declaration and Platform of Action," United Nations, Beijing, 15 September 1995; International Labour Organization, "ILO Convention on Worst Form of Child Labour," International Labour Organization, Geneva, 17 June 1999; Special Session of the United Nations General Assembly on Children, "A World Fit for Children," United Nations, New York, 10 May 2002.
71. United Nations Office on Drugs and Crime, *United Nations Convention Against Transnational Crime and the Protocols Thereto* (Vienna: UNODC, 2004), https://www.unodc.org/documents/treaties/UNtransnational_organized_crime/Publications/transnational_organized_crime%20Convention/transnational_organized_crimeebook-e.pdf.
72. United Nations Office on Drugs and Crime, "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," United Nations, New York, 15 November 2000, A/RES/55/25 <https://www.unodc.org/unodc/en/human-trafficking/protocol.html>.
73. "It is the first legally binding instrument with an internationally recognized definition of human trafficking. This definition provides a vital tool for the identification of victims, whether men, women or children, and for the detection of all forms of exploitation which constitute human trafficking. See, United Nations Office on Drugs and Crime (UNODC), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," United Nations, New York, 15 November 2000, A/RES/55/25 <https://www.unodc.org/unodc/en/human-trafficking/protocol.html>.
74. Ibid.

75. "Forced Labour, Modern Slavery and Human Trafficking," International Labour Organization, last accessed 23 March 2022, <https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>.
76. Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations: Protect, Respect and Remedy" Framework* (New York and Geneva: OHCHR, 2011), https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.
77. According to the UN Sanctions App: "The designations follow UNSCR 2240 from 9 October 2015, in which the Security Council condemned the acts of migrant smuggling and human trafficking into, via, and from the Libyan territory, but invoke more general human rights abuses listing criteria from UNSCR 1970, 2174, and 2213 rather than extend the criteria specifically to migrant smuggling and human trafficking. UNSCR 2240 also authorized the use of all commensurate measures, including inspection and seizure, against vessels on the high seas off the coast of Libya suspected of being used for migrant smuggling and human trafficking (originally for 1 year, renewed periodically thereafter)." "Libya II – EP4," 2022, UN Sanctions App, Graduate Institute of International and Development Studies, last accessed 23 March 2022, <https://unsanctionsapp.com/cases/libya-ii/episodes/libya2-ep-4>.
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79. Agreement on the sanctions at the UN Security Council was fuelled, in part, by the outrage sparked by press coverage of slave markets in Libya, according to interview conducted by the author, February 2022.
80. "Mali - EP1," UN Sanctions App, Graduate Institute of International and Development Studies, last accessed 23 March 2022, <https://unsanctionsapp.com/cases/mali/episodes/mali-ep-1>.
81. The full text reads: "Acting for or on behalf of or at the direction of or otherwise supporting or financing individuals and entities identified in subparagraphs (a) and (b) above, including through the proceeds from organized crime, including the production and trafficking of narcotic drugs and their precursors originating in or transiting through Mali, the trafficking in persons and the smuggling of migrants, the smuggling and trafficking of arms as well as the trafficking in cultural property." United Nations Security Council, "Resolution 2374, adopted by the Security Council at its 8040th meeting - The Situation in Mali," United Nations, 5 September 2017, S/RES/2374: para 8C.
82. Thomas Biersteker, Larissa Van den Herik and Rebecca Brubaker, *Enhancing Due Process in UN Security Council Targeted Sanctions Regimes* (Geneva: Graduate Institute Geneva, 2021).
83. United Nations Security Council, "Resolution 2368, adopted by the Security Council at its 8007th meeting," United Nations, 20 July 2017, S/RES/2368: para 2, 4.
84. "Amir Muhammad Sa'id Abdal-Rahman al-Mawla," United Nations Security Council, last accessed 23 March 2022, <https://www.un.org/securitycouncil/content/amir-muhammad-sa%E2%80%99id-abdal-rahman-al-mawla>.
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86. "Islamic State West Africa Province (ISWAP)," United Nations Security Council, last accessed 23 March 2022, <https://www.un.org/securitycouncil/content/islamic-state-west-africa-province-iswap-0>.
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88. Kimberly Anne Elliott and Richard B. Freeman, "ILO to the Rescue?," *Can Labor Standards Improve Under Globalization?* eds. Kimberly Anne Elliott and Richard B. Freeman (Boston: Peterson Institute for International Economics, 2003), https://www.piie.com/publications/chapters_preview/338/5iie3322.pdf.
89. According to a consultation with an expert familiar with the process, February 2022.
90. This is partly because existing studies are only looking at the stated objectives like cessation of hostilities.
91. United Nations Security Council, "Letter to the President of the Security Council: Final Report of the Panel of Experts on Libya Established Pursuant to Security Council Resolution 1973 (2011)," United Nations, 8 March 2021, *S/2021/229*, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/037/72/PDF/N2103772.pdf?OpenElement>.
92. See also United Nations Security Council, "Implementation of Resolution 2546: Report of the Secretary-General," United Nations, New York, 2 September 2021, *S/2021/767*, <https://undocs.org/S/2021/767>.
93. US National Security Council, "Transnational Organized Crime: A Growing Threat to National and International Security," *Strategy to Combat Transnational Organized Crime* (Washington DC: US National Security Council, 2011), <https://obamawhitehouse.archives.gov/administration/eop/nsc/transnational-crime/threat>.
94. It states: "Trafficking in Persons (TIP), or human trafficking, refers to activities involved when one person obtains or holds another person in compelled service, such as involuntary servitude, slavery, debt bondage, and forced labor. TIP specifically targets the trafficked person as an object of criminal exploitation—often for labor exploitation or sexual exploitation purposes—and trafficking victims are frequently physically and emotionally abused. Although TIP is generally thought of as an international crime that involves the crossing of borders, TIP victims can also be trafficked within their own countries. Traffickers can move victims between locations within the same country and often sell them to other trafficking organizations." US National Security Council, "Transnational Organized Crime: A Growing Threat to National and International Security," *Strategy to Combat Transnational Organized Crime* (Washington DC: US National Security Council, 2011), <https://obamawhitehouse.archives.gov/administration/eop/nsc/transnational-crime/threat>.
95. The White House, *The National Action Plan to Combat Human Trafficking* (Washington DC: US Government, 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/12/National-Action-Plan-to-Combat-Human-Trafficking.pdf>.
96. *Ibid.*
97. It could also be argued that sanctions, through their constraining, coercing and signalling functions, can also play a role in *prevention and protection*. Furthermore, the *partnerships* angle is also a key component in defining the likely success of any given sanctions regime, across sanctioning powers and across relevant sectors within individual jurisdictions (e.g. the private sector, research institutions, NGOs and so on).
98. The White House, "Fact Sheet," *The National Action Plan to Combat Human Trafficking* (Washington DC: US Government, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/03/fact-sheet-the-national-action-plan-to-combat-human-trafficking-nap/>.
99. US National Security Council, "Protect the Financial System and Strategic Markets Against Transnational Organized Crime," *Strategy to Combat Transnational Organized Crime* (Washington DC: US National Security Council, 2011), <https://obamawhitehouse.archives.gov/administration/eop/nsc/transnational-crime/financial-system>.

100. Jason Bartlett and Megan Ophel, "Sanctions by the Numbers: Transnational Crime and Drug Trafficking," Center for New American Studies, 30 November 2021, <https://www.cnas.org/publications/reports/sanctions-by-the-numbers-transnational-crime-and-drug-trafficking>.
101. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
102. Ibid.
103. Division A, P.L. 106-286, as amended, cited in Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
104. The Trafficking Victims Protection Act (TVPA) of 2000 (22 U.S.C. § 7102(9)) and its subsequent reauthorizations define human trafficking as: "Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or...The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery." "Human Trafficking," US Department of Justice, last accessed 22 March 2022, <https://www.justice.gov/humantrafficking>.
105. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
106. Ibid.
107. This is a forum that sets the Federal Agenda on policies relating to human trafficking, which is mandated by Section 105 of the U.S. Trafficking Victims Protection Act (TVPA) of 2000 (22 U.S.C. 7103) and established pursuant to the US, President's Interagency Task Force To Monitor and Combat Trafficking in Persons, Executive Order 13257, 13 February 2002.
108. Established through the United States Government, "Transportation, Treasury, Independent Agencies, and General Government Appropriations Act," 11 March 2005: Sec 222(a); United States Code, "Money and Finance 31," as of 8 December 2004, cited in Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief*, (Washington DC: Congressional Research Service, 2021).
109. United State Government , "National Defense Authorization Act for Fiscal Year 2020," 20 December 2019, Section 7154(c), cited in Liana W. Rosen and Katarina, C. O'Regan, "Sanctions Programs Targeting Human Traffickers: In Brief," (Washington DC: Congressional Research Service, 2021).
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111. United States Code, "Money and Finance 31," as of 8 December 2004; United States Code: "Title 12: Banks and Banking in the US," as of 1 February 2020; United State Code, "Title 18 of the US Code: Crime and Criminal Procedure," as of 1 January 2018.
112. FinCEN provides guidance to support financial institutions to identify financial patterns linked to modern slavery and human trafficking. Financial Crimes Enforcement Network, *Supplemental Advisory on Identifying and Reporting Human Trafficking and Related Activity* (Washington DC: US Treasury, 2020).

113. According to Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021), the Departments of State, Commerce, Homeland Security, and Treasury described supply chain risks linked to firms operating in Xinjiang, and other parts of China that "engage in human rights abuses, including forced labor." Departments of State, the Treasury, Commerce, and Homeland Security, "Risks and Considerations for Businesses with Supply Chain Exposure to Entities Engaged in Forced Labor and Other Human Rights Abuses in Xinjiang," 1 July 2020.
114. The US Government does not describe its import restrictions sanctions *per se*.
115. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
116. *Ibid.*
117. United State Code, " Title 2: International Emergency Economic Powers Act," as of 28 December 1977; United State Government, "Title 50: Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities," as of 3 January 2012: authorizes the US President to invoke the act without the need to declare a national emergency, as provided for in the National Emergencies Act (50 U.S.C. 1601 et seq.) in response to an unusual and extraordinary threat.
118. United States Government, "Global Magnitsky Act," 14 December 2012; United States Government, "The Trafficking Victims Protection Act (TVPA)" 28 October 2000.
119. United State Government, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Mali," Executive Order 13882, 26 July 2019.
120. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
121. These individuals are also subject to UN sanctions though the designation criteria are not identical to US sanctions in many cases. US Department of the Treasury. "Treasury Sanctions Individuals for Prolonging Violence and Threatening Humanitarian Assistance in Mali," 20 December 2019.
122. United States Government, "Blocking Property of Certain Persons Contributing to the Situation in Burundi," Executive Order 13712, 22 November 2015; United States Government, "Blocking Property of Certain Persons Contributing to the Conflict in the Central African Republic," Executive Order 13667, 12 May 2014; United States Government, "Blocking Property of Certain Persons Contributing to the Conflict in the Democratic Republic of the Congo," Executive Order 13413, 27 October 2006, as amended by United States Government, "Continuation of the National Emergency with Respect to The Democratic Republic of the Congo," Executive Order 13671, 8 July 2014; United States Government, "Continuation of the National Emergency with Respect to Mali," Executive Order 13882, 26 July 26 2019; United States Government, "Continuation of the National Emergency with Respect to Somalia," Executive Order 13620, 20 July 20 2012; and United States Government, "Blocking Property of Certain Persons With Respect to South Sudan," Executive Order 13664, 3 April 2014.
123. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
124. *Ibid.*
125. United States Government, "North Korea Sanctions and Policy Enhancement Act of 2016," 18 February 2016.
126. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).

127. According to OFAC press releases, Kim Jong Un and the Ministry of People's Security's Correctional Bureau was designated pursuant to United States Government, "Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions with Respect to North Korea" Executive Order 13722, 15 March 2016: "for having engaged in, facilitated, or been responsible for an abuse or violation of human rights" and the Ministry of Labor was designated pursuant to EO 13722 as "a North Korean government agency, instrumentality, or controlled entity." Cited in Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021). See, US Department of the Treasury, "Treasury Sanctions North Korean Senior Officials and Entities Associated with Human Rights Abuses," 6 July 2016; US Department of the Treasury, "Treasury Sanctions Additional North Korean Officials and Entities in Response to the Regime's Serious Human Rights Abuses and Censorship Activities," 26 October 2017; US Department of the Treasury, "Treasury Sanctions Entities Involved in Exporting Workers from North Korea," 19 November 2020.
128. Including those established through the United States Government, "Foreign Narcotics Kingpin Designation Act," 3 December 1999, 21 U.S.C. 1901-1908, 8 U.S.C. 1182; United States Government, "Specially Designated Narcotics Trafficking Kingpin Programme (SDNTK)" 3 December 1999; United States Government, "Blocking Property of Transnational Criminal Organizations," Executive Order 13581, 24 July 2011; and United States Government, "Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption," Executive Order 13818, 20 December 2017; United States Government, "Global Magnitsky Act," 14 December 2012.
129. Also of possible relevance are the United States Government, "Specially Designated Narcotics Traffickers (SDNT)," 24 October 1995; United States Government, "Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade," Executive Order 14059, 15 December 2021.
130. Jason Bartlett and Megan Ophel, "Sanctions by the Numbers: Transnational Crime and Drug Trafficking," Center for New American Studies, 30 November 2021, <https://www.cnas.org/publications/reports/sanctions-by-the-numbers-transnational-crime-and-drug-trafficking>.
131. Including through United States Government, "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten To Commit, or Support Terrorism," Executive Order 13224, 23 September 2001, establishing US, Specially Designated Global Terrorist (SDGT) designation.
132. United States Government, "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten To Commit, or Support Terrorism," Executive Order 13224, 23 September 2001.
133. Ibid.
134. US Department of the Treasury, "Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Accountability Act," July 9, 2020; US Department of the Treasury, "Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order," 31 July 2020; US Department of the Treasury, "Treasury Sanctions Chinese Government Officials in Connection with Serious Hum and Rights Abuse in Xinjiang," 22 March 2021.
135. Examples of this category include Balkans-related designation of an individual under United States Government, "Termination of Emergencies with Respect to Yugoslavia, and Modification of Executive Order 13219 of 26 June 2001," Executive Order 13304, 28 May 2003, who was convicted by the International Criminal Tribunal (ICT) relating to the former Yugoslavia for crimes that included enslavement; various non-State armed groups that have been shown to recruit and use child soldiers, including Al Shabaab in Somalia; the Sudan People's Liberation Army (SPLA), and certain individuals linked to Houthi rebel forces in Yemen.

136. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
137. Ibid.
138. Pursuant to United States Government, "Blocking Property and Suspending Entry into the United States of Persons Contributing to the Situation in Libya," Executive Order 13726, 19 April 2016.
139. Pursuant to United States Government, "Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption," Executive Order 13818, 20 December 2017.
140. Ibid.
141. Erica Moret, "Unilateral and Extraterritorial Sanctions in Crisis: Implications of their Rising Use and Misuse in Contemporary World Politics," *Research Handbook on Unilateral and Extraterritorial Sanctions* ed. Charlotte Beaucillon (Cheltenham: Edward Elgar Publishing, 2021).
142. According to a European Parliament briefing paper: "under the 2018 United States–Mexico–Canada Agreement (USMCA), each country is required to put measures in place to prohibit the importation of goods manufactured wholly or in part by forced or compulsory labor." The requirement signifies that Canada and Mexico are obliged to adopt suitable regulatory and administration frameworks to allow of the enforcement of measures against forced labour. Ben Vanpeperstraete, "Towards and EU Import Ban on Forced Labour and Modern Slavery," Discussion paper (Brussels: Greens/EFA Group in the European Parliament, 2021): 4, https://www.annacavazzini.eu/wp-content/uploads/Towards_an_EU_import_ban_on_forced_labour_and_modern_slavery_February.pdf.
143. United States Government, "Tariff Act of 1930," Section 307, 19 U.S.C. §1307. Prohibits the importation of any product that was mined, produced, or manufactured wholly or in part by forced labour, including forced or indentured child labour. US Customs and Border Protection (CBP) enforces the prohibition.
144. According to Vanpeperstraete: "Until the Trade Facilitation and Enforcement Act, the 1930 law had little practical effect given that an exemption existed for products that the United States could not or insufficiently, make, the so-called consumptive demand. Ben Vanpeperstraete, "Towards and EU Import Ban on Forced Labour and Modern Slavery," Discussion paper (Brussels: Greens/EFA Group in the European Parliament, 2021): 4, https://www.annacavazzini.eu/wp-content/uploads/Towards_an_EU_import_ban_on_forced_labour_and_modern_slavery_February.pdf.
145. Liana W. Rosen and Katarina, C. O'Regan, *Sanctions Programs Targeting Human Traffickers: In Brief* (Washington DC: Congressional Research Service, 2021).
146. Business and Human Rights Resource Centre, "Malaysia: U.S. Customs and Border Protection Prohibits Smart Glove Imports Citing Reasonable Evidence Indicating Forced Labour; Co. Released Statement Saying it Stands Against Forced Labour," 6 November 2021, <https://www.business-humanrights.org/en/latest-news/malaysia-us-customs-and-border-protection-prohibits-smart-glove-imports-citing-reasonable-evidence-indicating-forced-labour-co-released-statement-saying-it-stands-against-forced-labour/>.
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