IPHR International Partnership for Human Rights

State Capture Accountability Project

Why the European Union Should Establish a Dedicated Sanctions Regime on Transnational Repression

Policy Brief

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PURPOSE AND SCOPE

This policy brief examines the policy and legal case for establishing a standalone EU thematic sanctions regime on transnational repression (TNR). It argues that, while the EU Global Human Rights Sanctions Regime (GHRSR) remains an essential instrument for addressing serious human rights violations worldwide, it is not optimally designed to address the full spectrum of cross-border coercive practices that characterise transnational repression. A dedicated regime would provide the Union with a clearer, more effective, and better-tailored response to a growing and increasingly sophisticated threat.

Transnational repression as a distinct challenge to the Union

Transnational repression refers to a range of coercive practices carried out extraterritorially by state authorities or state-linked actors to silence, intimidate, punish, or forcibly return individuals located outside the perpetrating state's territory. These practices are no longer isolated or episodic. They have become systematic, coordinated, and increasingly visible within the territory of the European Union, affecting journalists, human rights defenders, political opponents of authoritarian regimes, diaspora communities, and exiled activists.

What distinguishes transnational repression from other forms of repression is not only its human rights impact, but its direct intrusion into the legal, security, and democratic space of the Union itself. The conduct typically combines intimidation and violence with the manipulation of legal and administrative tools, the use of covert surveillance capabilities, and the deployment of private intermediaries or criminal proxies. In this sense, TNR operates at the intersection of human rights violations, hybrid threats, and foreign interference – and should be understood as such.

Structural limits of addressing TNR solely through the Global Human Rights Sanctions Regime

While certain acts of transnational repression may amount to serious human rights violations, a significant portion of TNR practices systematically fall outside – or at the margins of – the material scope and threshold logic of the EU Global Human Rights Sanctions Regime. This is not a question of political will, but of structural and legal fit.

The GHRSR is deliberately calibrated to address the most egregious violations, such as torture, extrajudicial killings, enforced disappearances, or widespread and systematic repression, where the harm is clearly identifiable, attributable, and sufficiently grave. TNR, by contrast, is often designed precisely to avoid crossing those thresholds, relying instead on cumulative, indirect, or legally mediated coercion.

For example, one of the core pillars of contemporary TNR is cross-border surveillance, including hacking of personal devices, deployment of spyware, digital monitoring of communications, and tracking of online activity. These practices are frequently used to intimidate, control, or pre-emptively silence individuals in exile.

While such conduct affects the right to privacy, data protection, and freedom of expression, these rights do not have a direct or explicit equivalent within the GHRSR's listing criteria unless the surveillance can be clearly linked to other qualifying violations (such as arbitrary detention, torture, or enforced disappearance). In many TNR cases, surveillance itself is the primary coercive tool, producing chilling effects without a single discrete act that would meet the GHRSR threshold. As a result, a central operational component of TNR remains difficult to sanction under a regime designed for more overt physical abuses.

Intimidation, harassment, and coercion below the "serious violation" threshold

TNR frequently relies on sustained intimidation rather than singular acts of extreme violence. This includes repeated threats, harassment, reputational attacks, coercive summonses, and pressure exerted through employers, community members, or informal networks. Particularly common is intimidation targeting family members remaining in the country of origin, including threats to livelihoods, education, or personal safety.

While such conduct may, in aggregate, amount to inhuman or degrading treatment, it often does not individually reach the evidentiary or severity threshold typically required for GHRSR listings. The regime is not well suited to capturing patterns of coercion that are incremental, legally ambiguous, or deliberately calibrated to remain just below the level of physical harm. Yet, it is precisely these tactics that make TNR effective and difficult to counter through traditional human rights accountability tools.

Economic coercion and property-related measures

Another common TNR tactic involves economic pressure, including confiscation of property, freezing of assets, forced divestment, arbitrary tax claims, or denial of inheritance rights, often directed at the individual or their relatives in the country of origin. These measures are used to punish dissent, deter activism abroad, or compel return.

Although such conduct interferes with the right to property and may violate fair trial or non-discrimination guarantees, the GHRSR does not explicitly cover property rights violations unless they are directly linked to qualifying abuses such as arbitrary detention or torture. As a result, economically coercive practices, central to many TNR cases, remain only imperfectly addressable under the current human-rights-focused sanctions framework.

Abuse of legal and administrative cooperation mechanisms

One of the most distinctive features of transnational repression is the instrumentalisation of international legal cooperation mechanisms, including politically motivated extradition requests, abuse of mutual legal assistance procedures, and misuse of international policing channels such as red notices or diffusions.

These practices often occur under a formal appearance of legality, making them particularly difficult to characterise as human rights violations at the point of initiation. While their downstream consequences

may include arbitrary detention or refoulement risks, the act of abuse itself, namely the manipulation of international legal instruments for coercive purposes, does not neatly fall within the GHRSR's violation-based architecture. This creates a structural gap between the nature of the conduct and the available sanctions response.

Cumulative and networked conduct

Finally, transnational repression is rarely the result of a single act or identifiable perpetrator. It is typically networked, involving multiple state and non-state actors performing discrete functions - surveillance, intimidation, legal harassment, financial pressure - none of which, taken alone, may meet the GHRSR threshold. The harm emerges from the cumulative effect of these actions and from the coordinated operation of the repression ecosystem.

The GHRSR, by design, is not optimised to address this type of dispersed and functionally differentiated conduct. A sanctions regime focused on TNR would be better positioned to address patterns, enabling roles, and preparatory acts, rather than relying on post hoc classification of individual abuses.

THE CASE FOR A DEDICATED THEMATIC SANCTIONS REGIME ON TNR

A standalone sanctions regime would allow the European Union to recognise transnational repression as a distinct policy problem and to respond with a tool calibrated to its specific features. Such a regime would enable the EU to define sanctionable conduct with greater precision, explicitly covering cross-border intimidation, harassment, violence, coercive repatriation efforts, abuse of international legal mechanisms, and acts carried out through proxies or intermediaries.

Crucially, a dedicated regime would facilitate ecosystem-wide targeting. By allowing listings based on planning, support, facilitation, or enabling of TNR activities, the EU could disrupt entire operational chains and networks rather than responding only after harm has occurred. This approach aligns with the design of other existing EU thematic sanctions regimes addressing complex and networked threats, where preventive and disruptive effects are central objectives.

From an evidentiary perspective, a TNR regime would be better suited to intelligence-led and pattern-based assessments, including the ability to act on attempted or preparatory conduct. This is particularly relevant in cases where early intervention is essential to protect individuals at risk and to prevent escalation into physical harm. By lowering the reliance on post factum documentation of harm, the EU would enhance both the speed and credibility of its response.

Complementarity within the EU sanctions architecture

Establishing a thematic sanctions regime on transnational repression would not dilute or replace the Global Human Rights Sanctions Regime. On the contrary, it would strengthen the overall coherence of the EU's sanctions framework by preserving functional differentiation between instruments.

Under such an approach, the GHRSR would remain the Union's primary tool for addressing the most serious human rights violations and abuses globally, while a TNR regime would address cross-border coercive practices that directly affect the Union's internal space and security interests. This "division

of labour" would avoid overextension of the GHRSR and ensure that TNR is addressed systematically rather than through ad hoc adaptations.

Strategic implications for the European Union

The absence of a dedicated EU-level framework on TNR has resulted in fragmented responses, with Member States addressing incidents primarily through national criminal law or diplomatic channels. A thematic sanctions regime would enable coordinated, visible, and credible EU-level consequences for foreign actors engaging in repression on or through EU territory.

Politically, such a regime would signal that the Union treats TNR as a hostile and unacceptable practice, comparable in seriousness to other forms of hybrid interference. It would also reinforce the EU's commitment to protecting those who seek refuge within its borders and to safeguarding the integrity of its legal and democratic systems.

CONCLUSIONS AND POLICY RECOMMENDATIONS

Transnational repression represents a complex and evolving threat that cannot be fully addressed through existing human rights-focused sanctions tools alone. A dedicated thematic sanctions regime would provide the European Union with a more precise, preventive, and operationally effective response, while remaining fully complementary to the Global Human Rights Sanctions Regime.

The European Union should therefore:

- Establish a standalone thematic sanctions regime on transnational repression, with clearly defined scope and listing criteria;
- Ensure that the regime enables ecosystem-wide designations, including against facilitators, enablers, and proxy actors;
- Design the regime to support early and preventive action, including in cases of attempted or preparatory conduct;
- Maintain clear complementarity with the Global Human Rights Sanctions Regime to preserve the integrity of the EU sanctions architecture;
- To enhance the effectiveness, including speed, and credibility of EU restrictive measures in response to transnational repression, the Council should consider making fuller use of existing Treaty provisions allowing for qualified majority voting in the implementation of CFSP decisions, including listings and delistings, once a sanctions framework has been established unanimously; and
- In this context, the European Council could explore activating Article 31(3) TEU to establish thematic sanctions regimes addressing cross-border and hybrid threats, including transnational repression, to reduce the risk of paralysis and ensure a more consistent EU response.