

Global Human Rights Sanctions - Guidance



Isle of Man
Government

Reiltys Ellan Vannin

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Introduction

The Treasury has issued this guidance to assist in the implementation of, and compliance with the Global Human Rights Sanctions Regulations 2020, as those Regulations have effect in the Isle of Man.

The policy of the Isle of Man Government is to maintain the implementation of international sanctions measures in the Isle of Man in line with such measures have effect in the United Kingdom from time to time.

Legislation

The Global Human Rights Sanctions Regulations 2020 [SI [2020/680](#)] have effect in the Isle of Man by the Global Human Rights Sanctions (Isle of Man) Order [SI [2020/744](#)].

This document contains guidance on the prohibitions and requirements imposed by the Regulations. In addition it provides guidance on best practice from complying with the prohibitions and requirements; the enforcement of them; and circumstances where they do not apply.

Further guidance

This document should be read alongside the [Financial Sanctions guidance](#).

Contact details for enquiries

Enquiries concerning this Notice should be addressed to the address given below and marked for the attention of the Sanctions Officer.

Enquiries may also be made by –

- Email (customs@gov.im)
- Telephone (01624 648109)

The Sanctions Officer
Customs and Excise Division
PO Box 6
Custom House
North Quay
Douglas
Isle of Man
IM99 1AG

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1. Prohibitions and requirements imposed by the Regulations

The Regulations impose financial and immigration sanctions in order to deter, and provide accountability for, activities which, if carried out by or on behalf of a state within the territory of that state, would amount to a serious violation by that state of an individual's:

- right to life
- right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment
- right to be free from slavery, not to be held in servitude or required to perform forced or compulsory labour

These activities could be carried out by either a state or non-state actor and, accordingly, both state and non-state actors may be designated under the Regulations. Whilst non-state actors do not have obligations under international human rights law, the Isle of Man nevertheless recognises the harmful and devastating impact that such activities by non-state actors can have on individuals' mental and physical well-being.

In order to achieve the stated purposes, the Regulations impose a number of prohibitions and requirements. In order to enforce these, the Regulations establish penalties and offences, which are detailed more in Annex A and B of this guidance.

The prohibitions and requirements imposed by the Regulations apply within the Isle of Man (IOM) and in relation to the conduct of all Island persons wherever they are in the world. Island persons include British nationals who ordinarily reside in the Island, as well as all bodies incorporated or constituted under the law of the Island. Accordingly, the prohibitions and requirements imposed by the Regulations apply to all companies established in the Island.

It is prohibited to intentionally participate in any activities if you know that the object or effect of them is directly or indirectly to circumvent the prohibitions imposed by the Regulations or to enable or facilitate the contravention of those prohibitions.

If you are unclear about any aspects of the Regulations, in particular about whether action you are considering taking could contravene the Regulations, you are advised to seek independent legal advice.

Prohibitions and requirements for the financial and immigration sanctions contained in the Regulations are set out below.

1.1 Designation of persons

Where the UK Secretary of State has designated a person, that designation also has effect in the IOM from the same time, and any variation or revocation of the designation will also have effect in the IOM.

When the Regulations are in force a list of those persons designated under the Regulations and details of the sanctions in respect of which they have been designated, will be on [GOV.UK](https://www.gov.uk)

1.2 Financial sanctions

Asset freeze and making available provisions

The Regulations impose financial sanctions through a targeted asset freeze on designated persons and prohibitions on making funds or economic resources available. This involves the freezing of funds and economic resources (non-monetary assets, such as property or vehicles) of designated persons and ensuring that funds and economic resources are not made available to or for the benefit of designated persons, either directly or indirectly.

More information on financial sanctions can be found in the [Financial Sanctions guidance](#).

1.3 Immigration sanctions

The effect of the Regulations is to impose a travel ban on persons who are designated by the UK Secretary of State. Such persons are excluded persons for the purposes of section 8B of the Immigration Act 1971 (as that Act has effect in the Isle of Man).

This means that those individuals will be refused leave to enter or remain in the UK/IOM.

Any applications they make for a visa to travel to the UK/IOM, including for transit purposes, will be refused. A foreign national who is subject to a travel ban under the Regulations, and is currently in the UK/IOM, will have their permission to stay in the UK/IOM cancelled and steps will be taken to remove them.

If you are the subject of an immigration sanction and try to travel to the UK/IOM, carriers are required to deny you boarding.

1.4 Information and record keeping

For the purposes of the financial sanctions contained in the Regulations, Part 6 of the Regulations places obligations on relevant firms (the definition of which is set out in the Regulations) to report information to the Treasury about known or suspected designated persons or about persons who may have committed an offence under specified provisions of the Regulations. The Treasury has designated the Financial Intelligence Unit (FIU) as the body to whom reports should be made, via THEMIS.

It also grants powers to the Treasury to request information from, amongst others, a designated person, including powers to request the production of documents. It also establishes offences for failing to comply with these requests (including providing false information).

If you have obligations or responsibilities under Part 6 of the Regulations, it is important that you familiarise yourself with them. If you are unclear about your obligations or responsibilities, you are advised to seek independent legal advice.

2. How will these sanctions measures be enforced?

The Regulations make it a criminal offence to contravene the financial sanctions, as well as to enable or facilitate a contravention of, or to circumvent, any of the prohibitions in the Regulations. They also prescribe the mode of trial and penalties that apply to such offences.

In addition to the below, further details on offences and penalties can be found in the Annex.

2.1 Financial sanctions

Breaches of financial sanctions are a serious criminal offence. Any breach of the main financial prohibitions in the Regulations is an offence that is triable either way and carries a maximum sentence on indictment of 7 years' imprisonment or a fine (or both).

Offences under regulations 25(6) or 29 (information offences in connection with financial sanctions under the Regulations) are summary offences only and carry a maximum sentence of 6 months' imprisonment or a fine (may not exceed level 5 on the standard scale) or both.

The Treasury is responsible for monitoring compliance with financial sanctions and for assessing suspected breaches.

The Treasury works with other parts of government, supervisory bodies and regulators to consider all cases reported to it, sharing relevant information accordingly.

If you find out that a person or organisation you are dealing with is subject to the financial sanctions detailed in the Regulations, you must immediately:

- stop dealing with them
- freeze any assets you are holding for them
- inform the FIU as soon as possible

More detailed information on the Treasury's approach to compliance and enforcement can be found in the [Financial Sanctions Guidance](#).

3. Are there circumstances when I can get an authorisation or licence for a sanctioned activity?

Licensing and exception provisions are contained in Part 5 of the Regulations.

3.1 Exceptions

The Regulations set out exceptions to some of the sanctions prohibitions which apply within certain defined circumstances. An exception applies automatically, and does not require you to obtain a licence issued in accordance with the Regulations.

The Regulations establish exceptions relating to financial sanctions including for the crediting of a frozen account by a relevant institution (any such interest or other earnings will be frozen in accordance with the relevant legislation underpinning the asset freeze). An exception also exists from the prohibition on making funds available to a designated person, when funds are transferred to a frozen account in discharge (or partial discharge) of an obligation which arose before the recipient became a designated person.

The Regulations also include an exception in relation to any prohibition or requirement imposed by the Regulations for actions which a responsible officer has determined to be in the interests of national security, or the prevention or detection of serious crime in the UK/IOM or elsewhere.

Regulation 21 establishes an exception to regulations 11 to 15 which provides that prohibitions are not contravened if conduct is authorised by a licence which is issued under the law of the Channel Islands, Isle of Man or any British Overseas Territory for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

If you are unsure whether an exception applies in your circumstances, you are advised to seek independent legal advice.

3.2 Licensing for financial sanctions

Where a person is designated for the purposes of the financial sanctions (asset freeze measures and making available provisions) contained in the Regulations, the designated person or a representative (on their behalf) may apply for a licence from the Treasury to use their funds or economic resources (non-monetary assets, such as property or vehicles). Schedule 2 to the Regulations sets out the purposes pursuant to which, or for which activities, the Treasury may grant an individual licence. In summary these are:

- basic needs
- reasonable professional fees for or reasonable expenses associated with the provision of legal services
- reasonable fees or service charges arising from the routine holding or maintenance of frozen funds and economic resources
- extraordinary expenses
- pre-existing judicial decisions etc
- extraordinary situations
- prior obligations
- diplomatic missions etc
- humanitarian assistance activity

Further information on exceptions and licensing grounds can be found in the [Financial Sanctions Guidance](#).

3.3 Directions in respect of immigration sanctions

If you are subject to immigration sanctions the Home Office may direct, on a case by case basis, that the sanction does not apply in particular circumstances, such as for travel to, or through, the UK/IOM for a UN sponsored meeting.

4. Further information

To receive an email alerting you to any changes to the consolidated list of financial sanctions targets, you can subscribe to the Customs & Excise [News feed](#)

Annex A

Table of financial sanctions offences

Type of Sanctions offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of sanctions	1. Dealing with funds or economic resources owned, held or controlled by a designated person 2. Making funds available directly or indirectly to a designated person 3. Making funds available for the benefit of a designated person 4. Making economic resources available directly or indirectly to a designated person 5. Making economic resources available for the benefit of a designated person	1. reg.11 2. reg.12 3. reg.13 4. reg.14 5. reg.15	Liable on summary conviction - to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both; Liable on conviction on indictment – to imprisonment for a term not exceeding 7 years or a fine (or both).
Circumvention etc. of prohibitions	Circumventing directly or indirectly the prohibitions of regs. 11-15 (Part 3 Finance) or enabling or facilitating the contravention of prohibitions.	reg. 16	" " "
Breach of requirements under Treasury licences	1. Knowingly or recklessly providing false information or providing a document that is not what it purports to be for the purpose of obtaining a Treasury licence 2. Failing to comply with the conditions of a licence	1. reg.23 2. reg.23	" " "
Breach of reporting obligations	1. Failure to inform the Treasury about knowledge or reasonable cause to suspect that a person is a designated person or has committed an offence under Part 3 of the Regulations or regulation 23 (finance: licensing offences) 2. Failure to provide the Treasury with information on which the knowledge or suspicion is based or	1. reg. 25 2. reg. 25 3. reg. 25	Liable on summary conviction - to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

	<p>information by which the person can be identified</p> <p>3. Failure to provide the Treasury with information about any funds or economic resources it holds for a designated person at the time when it first had knowledge or suspicion.</p>		
Failure to comply with requests for information	<p>1. Failure to provide information in the time and manner requested under reg. 27</p> <p>2. Knowingly and recklessly providing false information in respect of information requested under reg. 27</p> <p>3. Evasion of requests to provide information or produce documents made under reg. 27 or reg. 28</p> <p>4. Obstruction of Treasury requests for information made under reg. 27 or reg. 28</p>	<p>1. reg. 29</p> <p>2. reg. 29</p> <p>3. reg. 29</p> <p>4. reg. 29</p>	<p>" " "</p>

Annex B

Table of other offences

Other offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of confidential information provision	Disclosure of information specified by the Secretary of State as confidential, where knowledge or reasonable cause to suspect that the information is to be treated as confidential	reg. 9	Liable on summary conviction - to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both; Liable on conviction on indictment – to imprisonment for a term not exceeding 2 years or a fine (or both).