

The House of Representatives,
Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry into
***whether Australia should enact legislation
comparable to the United States Magnitsky Act 2012.***

6th January 2020

Dear Committee,

As a concerned Australian citizen, I wish to share comments in respect to your inquiry.

I wish to specifically comment in regards to Term of Reference #3:

The advantages and disadvantages of the use of human rights sanctions, including the effectiveness of sanctions as an instrument of foreign policy to combat human rights abuses.

As an Australian citizen, I do not wish to do business with, or liaise with individuals or organisations who have benefited in any way through the abuse of human rights. Australian's expect that when doing business or consuming products from within Australia, that they are not contributing to human rights abuses or supporting those with a history of committing human rights abuses. Australians assume that persons who reside within or have been admitted entry to our nation are persons who uphold the fundamental freedoms and human rights which align with Australian values. The implementation of legislation comparable to the United States Magnitsky Act 2012 would support and protect these expectations of the Australian people, by blocking or cancelling their admittance to Australia and by enabling the enforcement of blocking of property.

Whilst I acknowledge that challenges and complexities may arise when attempting to enforce the Act, my view is that the establishment of the legislation will have a positive impact domestically and internationally regarding respect for human rights and fundamental freedoms. The establishment of the legislation alone sends a clear message to the international community regarding Australia's position on human rights and further broadcasts Australian values.

An advantage of this type of legislation is that it would enable Australia to exert influence towards the behaviors of individuals in regards to their compliance with internationally accepted human rights standards, potentially reducing the risk or even mitigating abuse occurrence.

This style of legislation could potentially be used to punish an individual who has been proven guilty of human rights abuses domestically or internationally. Unfortunately, existing economic sanctions are known for having an unwanted consequence of potentially punishing many innocent individuals of a state. "In numerous reports and articles, scholars and human rights advocates have constantly argued that economic sanctions hurt large numbers of innocent civilians in the targeted states..."¹

Legislation comparable to the United States Magnitsky Act 2012 would assist with containing punishment to individuals directly associated with human rights abuses.

In summary:

- Acknowledge the strength of the domestic and international benefits if Australia proceeds to enact legislation comparable to the United States Magnitsky Act 2012;
- Enable the Act to exert maximum influence across the behaviors of individuals and organisations regarding the respect of human rights and fundamental freedoms;
- Please proceed with confidence knowing that this legislation is strongly supported and desired by the Australian people.

Thank you for your consideration into this matter.

Warm regards,

C. Baulch

¹ Baek, Buhm Suk, "Economic Sanctions Against Human Rights Violations" (2008). Cornell Law School Inter-University Graduate Student Conference Papers. Paper 11, Pg 59.
http://scholarship.law.cornell.edu/lps_clacp/11