

**Mr Moi Dominic Odubasa**

Email: 

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Joint Standing Committee on Foreign Affairs,  
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Dear Committee Secretary,

**Submission to inquiry into whether Australia should enact legislation comparable to the United States' *Magnitsky Act 2012*.**

Thank you for the invitation to provide a submission to the Committee regarding the inquiry into whether Australia should enact legislation comparable to the United States' *Magnitsky Act 2012*.

I make this submission as a private citizen of Australia who believe in the Australian values of respect for the freedom and dignity of the individual, freedom of religion, commitment to the rule of law, parliamentary democracy, equality of men and women, and a spirit of egalitarianism that embraces mutual respect, tolerance, fair play and compassion.

I consider the absence of the comparable legislation to the United States' *Magnitsky Act 2012* severely limits Australia's ability to prevent and make violators of human rights accountable for their dreadful human rights abuses. A similar legislation like *Magnitsky Act 2012* will enable Australia to impose visa bans and targeted sanctions on individuals anywhere in the world responsible for committing human rights violations or acts of significant corruption.

Enacting a similar legislation will bring Australia on the same level with other democracies like Canada, the UK and the Baltic States, and EU and Nordic Council which are considering similar laws or legislations. Working with these like-minded democracies makes it logical for Australia to introduce a similar law, as Australia is already collaborates with these countries on matters of security, intelligence sharing, and other matters. Adopting a similar law to combat human rights abuses abroad will make sense.

Introducing this legislation will afford Australia a leadership role in promoting respect for human rights globally. This law will act as a deterrent to foreign individuals and governments, and force those who would use unlawful violence or corruption to consider the repercussions of their acts. It will reduce international or transnational criminality and corruption, and will bolster Australia's

collective sovereignty with other democracies that have taken similar steps to combat international human rights abuses and corruption.

Also, the law will provide incentives for individuals who would seek to associate with or invest in Australia to reconsider their acts, and make foreign governments to improve their own accountability mechanisms. It will force foreign governments that seek Australia's financial aid not to tolerate human rights abusers in their countries. Being a country where the rule of law and property right are respected, Australia is an attractive place or country for bad people to put their families and invest their money. Having such a law will not only help to combat international crime but also enhance Australia's anti money laundering laws, because these people who do terrible things overseas will find it very difficult to put their families and money in Australia.

The enactment of this legislation will not only deny the foreign individuals and government officials entry into Australia, the seizure of any of their property held in Australia, or entering into transactions with Australian companies, but also deny them the opportunity for extending their control outside their borders to coerce Australian citizens who originally come from those countries, but do not approve of what these individuals and governments do in their countries of origin. The law will act as a pushback to authoritarian regimes that know no boundaries and extend their control over their citizens overseas.

While the *Autonomous Sanction Act 2011* provides for sanctions, their enforcement, and facilitates the collection, flow and use of information relevant to the administration of such sanctions (whether applied under this Act or another law of the commonwealth), the *Autonomous Sanction Act 2011* is nonetheless a broad regime of laws and imposes restrictions more broadly on individuals and entities that are dealing with Australia, or to whom Australian companies make assets available. It does not specify corruption as one of the acts that attracts sanction. Sanctions under this Act include arms embargoes, travel and financial sanctions, civil aviation restrictions and import and export bans of certain commodities. The introduction of specific law similar to the United States' *Magnitsky Act 2012* will strengthen this existing law by clearly identifying corruption as the object being targeted under this law.

Finally, it is pleasing to see Australia is considering to enhance its current broad regime of laws to combat human rights abuses by moving towards targeted regime of laws that will bolster its ability to impose sanctions against individuals who hold assets in Australia and commit gross human rights abuses abroad. Such a law will be an invaluable tool to pushback authoritarianism and their desires to extend their control over their citizens who oppose them outside their borders.

Yours Sincerely,

Moi Dominic Odubasa