



Submission on the proposal for Australia to enact Legislation comparable to the United States' Global Magnitsky Act 2012.

In order to deter would-be violators of universal human rights and stand with those around the world who are suffering gross abuses, to follow through on Australia's commitment to universal human rights, and to protect the safety and security of Australia and its citizens and residents, **we urge the Australian Parliament to enact legislation comparable to the United States Magnitsky Act 2012.**

Our kinsfolk, the Uyghurs in the homeland (so-called Xinjiang region of China), along with Kazakhs, Kyrgyz and other indigenous peoples, are suffering some of the most egregious human rights violations of our day. These include the largest mass internment of citizens based on ethno-religious identity since the 1940s, widespread use of slave or forced labor, the systematic removal of children from the care of their parents, and the suppression of the entire population through high-tech surveillance. Such actions arguably meet the UN definition of genocide. The individuals principally responsible, and the entities through which abusive policies are enforced, are well-known. Yet the rest of the world seems incapable of taking any action to deter or stop them.

Uyghur Australians are not going unscathed. Some of our immediate family members who are Australian citizens or residents are prevented from leaving China to rejoin us in Australia, and threats against our relatives in China are used to intimidate and blackmail us even here in Australia.

Human Rights Watch World Report 2019 documents the repression and systematic abuses against Muslims, Christians, Falun Gong as well as Uyghurs and Kazakhs, which includes mass arbitrary detention, torture, and mistreatment, and increasingly pervasive surveillance and controls on daily life (www.hrw.org/world-report/2019/country-chapters/china-and-tibet.)

What is being done to Uyghurs and other groups by the Chinese government is by no means the only case of gross violations of universal human rights around the world. But global bodies such as the UN have become increasingly ineffective in combatting this. Some of the States hosting such violations have become influential, have power of veto, or exploit loopholes in the system. Indeed, it seems that a push has been underway to change hard-won international norms when it comes to human rights.

Sanctions against States such as those that can be imposed under the Australian Autonomous Sanctions (AAS) Act 2011 are often unwieldy and can end up hurting the wrong people. Legislation comparable to the Magnitsky Act would enable more finely targeted sanctions against individuals and entities engaging in gross abuses. Such legislation should cover autonomous sanctions including travel and economic bans, as well as export controls on entities.

Magnitsky sanctions add to diplomatic and political processes that can bring about changes by:

1. Calling out perpetrator's by name and potentially embarrassing them.
2. Making it less worthwhile for a perpetrator to engage in undesirable behavior.
3. Alienating perpetrators from other government and non-government actors.
4. Affirming and declaring international expectations.
5. Bringing about economic shortfalls which will reduce capacity for repressive behaviour.

Magnitsky or similar legislation has already been adopted in the United States, Canada, the United Kingdom, and the Baltic nations, and will soon be introduced to the European Union. The effectiveness of Magnitsky sanctions is greatly increased when multiple countries apply them in concert. Australia will have the opportunity to work with other countries to close as many of the geographical gaps as possible and leave the perpetrators of gross abuse with nowhere to go.

In the United States 113 designations were made between January 2017 and September 2019, including 51 individuals and 62 entities, 36 of which involved human rights abuse. From 2018 the US Congress has recommended 8 Chinese officials for GMA sanctions.

Addendum – Examples of victims of egregious human rights abuses

Xinjiang Victims Database

<https://shahit.biz/eng/>

Australian toddler held hostage by China

<https://www.abc.net.au/news/2019-10-24/china-hostage-diplomacy-affecting-australian-toddler/11631794>

Uyghur former detainee Mihrigul Tursun's full testimony at the US congressional hearing

<https://www.hongkongfp.com/2018/12/08/video-full-ex-xinjiang-detainee-mihrigul-tursuns-full-testimony-us-congressional-hearing/>

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