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There is merit in Magnitsky-style legislation says the Law Council

The Law Council of Australia calls on Federal Government, to implement a human-rights regime in the combat against human rights violations and serious corruption.

Appearing at today's hearing into the Magnitsky Act, held before the Joint Standing Committee on Foreign Affairs, Defence and Trade – Human rights Sub-committee, Law Council of Australia President Ms Pauline Wright reiterated that addressing serious human rights breaches and corruption must be achieved through legislation which is reasonable, necessary and proportionate to its objective.

“The Law Council stresses that any decision to impose autonomous sanctions engages and may limit multiple human rights,” Ms Wright said.

“The use of such power, which may be applied to individuals in the absence of a criminal conviction, must be designed and administered cautiously in a way that upholds human rights and the rule of law.”

“There is great concern that the existing regime lacks significant safeguards,” Ms Wright said.

The Law Council's submission to the sub-committee outlines two ways to establish a thematic human-rights regime: by first, by amending the existing autonomous sanctions regime to explicitly extend to serious human rights violations and serious corruption; or alternatively, by pursuing separate standalone legislation.

According to Ms Wright, the advantage of this approach is that it would be more visible, less explicitly linked to Australian Government policy, and would target individuals more flexibly.

“Australia's use of sanctions to apply pressure on individuals responsible for serious violations of internationally recognised human rights and serious acts of corruption has the support, in principle from the Law Council,” Ms Wright said.

“But autonomous sanctions are no substitute for criminal justice processes where these are available in practice and needs consultation between and with relevant government departments.

“Therefore, there is merit in facilitating international cooperation to deal with these issues through Magnitsky-style legislation,” Ms Wright said

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