



Inquiry into Australia’s sanctions regime

Walk Free and International Justice Mission Australia (IJM) welcome this opportunity to provide a submission to the Inquiry on Australia’s Sanctions Regime.

This submission is narrowly focused on Australia’s serious violations or serious abuses of human rights sanctions regime (established via amendment to the *Autonomous Sanctions Act 2011 (ASA 2011)* on 21 December 2021), which has prospective use in targeting perpetrators of modern slavery abroad. In this submission, we will use the regime’s common-name – Magnitsky-style sanctions. We enclose our submissions in full at **Annex A**.

Modern slavery is an umbrella term encompassing a set of specific human rights abuses including forced labour, debt bondage, forced marriage, slavery and slavery-like practices and human trafficking.

Australia is a world leader in its government response to modern slavery.¹ Further, the associated regulations to the *ASA 2011* specify the violation of the “right to not be held in slavery or servitude or right not to be required to perform forced or compulsory labour” as one of the three potential human rights abuses that would enliven the Foreign Minister’s ability to designate a person or entity for sanctions. Indeed, the other selected human rights - to life and freedom from torture - can also be bound up in the right to be free from modern slavery.

We therefore urge the committee to seriously consider why Australia has not, to date, used its Magnitsky-style sanctions regime against modern slavery targets, either from a position of leadership or in concert with its peers, and to make recommendations to remove any barriers to action.

Yours sincerely,

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ANNEX A

Background

Sergei Magnitsky was a tax lawyer who died at the hands of the Russian state in 2009 after uncovering an incident of massive corruption. The first so-called Magnitsky law was enacted in the United States in 2012, followed by Canada, the United Kingdom and the European Union, and eventually Australia with its version in 2021.

These eponymous laws seek to use the tools available to a domestic legal system to sanction those responsible for corruption and serious breaches of human rights, where they have not otherwise been held to account.

Since the entry into force of the amendments to the *Autonomous Sanctions Act 2011 (Cth)* in January 2022, Australia has had the ability to impose sanctions against individuals and associated entities relating to a number of thematic areas, including conduct involving serious human rights violations and abuses.

Under the regulations, the Minister for Foreign Affairs has the power to list an individual or entity for targeted financial sanctions (freezing of assets, blocking others from trading with or dealing with assets of the sanctioned person or entity) and declare a person for a travel ban.

Modern slavery and human trafficking are among the world's leading criminal enterprises, generating illicit profits, annually, of around USD 236 billion.² The 50 million people globally who are trapped in situations of modern slavery³ daily experience serious human rights abuses. Targeting the financial aspects of modern slavery and human trafficking and deploying financial-related policy instruments is critical to stopping these crimes; however, despite the authority to impose sanctions, few such designations in relation to modern slavery and human trafficking have been made, and none by Australia.

We acknowledge the coordinated moves by allies including the US, Canada, the UK and the EU to sanction perpetrators of human rights violations, including abuses comprising modern slavery, against the ethnic Uyghur minority in Xinjiang province, China.⁴ However, we choose here to illuminate an emerging and lesser-known form of modern slavery, so-called “forced scamming”, as the case study for the Committee’s consideration.

Forced Scamming

One particular form of modern slavery that warrants the use of targeted sanctions is the trafficking of people into forced criminality in online scam centres (“forced scamming”) in Southeast Asia, one of the most complex and fastest growing forms of organised crime and



modern slavery today. These online scamming schemes are run by criminal groups whereby traffickers recruit victims through deceitful online job listings, confine them in gated compounds and force them to engage in online criminal activity under threat of serious harm.

According to a 2023 report by Office of the United Nations High Commissioner for Human Rights (OHCHR), over 220,000 people are engaged, either by choice or forced labour, in online scamming in Cambodia and Myanmar from more than 40 countries,⁵ whilst the United States Institute for Peace (USIP) estimates an additional 85,000 are held in Laos.⁶ In the Mekong region as a whole, at least 300,000 people are estimated to be engaged in the scamming industry,⁷ which is rife with allegations of labour trafficking, enslavement, and abuse. USIP estimates the amount of funds stolen by scamming worldwide as of the end of 2023 to be AUD \$96 billion, and estimates the scamming industry is worth AUD \$18.9 billion a year in Cambodia alone –half of that country’s formal GDP.⁸ According to the National Anti-Scam Centre (NASC), Australians lost \$2.7 billion to scams in 2023, including \$201.1 million to romance scams.⁹

In addition to the huge economic loss to Australians and the enslavement of those forced to scam, forced scamming also destabilises government and local rule of law in significant ways in Myanmar, Cambodia and Laos. This erosion of rule of law, increase in corruption at border crossings, and exponential rise of compounds or cities focused on facilitating scamming, is a threat to the whole region.

A coordinated international and multidimensional approach is essential to eradicating this complex criminal enterprise. As described by the USIP:

Perhaps the most pernicious aspects of this spreading regional—and increasingly global—criminal phenomenon are the extent and character of the networks supporting it. They operate in both licit and illicit business spheres, gaining access to regional government and business elites through apparently legitimate connections and creating lucrative incentives for local elites to associate with and provide material support to their criminal activity, which is often hidden by a veneer of apparent legitimacy, such as casinos, resorts, hotels, and special economic zones (SEZs). The dispersal of these networks into the region is strongly correlated with the areas of weakest governance and the most profound state-embedded criminality. The melding of these groups with corrupt local elites has generated a malign ecosystem that is rapidly evolving into the most powerful criminal network of the modern era.¹⁰

Essential to eradicating this crime is a concerted international effort to ensure criminal accountability for forced scamming operators, including international law enforcement where financial crimes are committed. As there are specific individuals and entities who can be tied to compounds where scamming activities are occurring, targeted individual sanctions can symbolically and practically strike out against the impunity and vast networks of assets which



egregious human rights abusers may attain, especially when executed in concert with other governments.

Current Australian Government policy acknowledges the widespread and ever growing toll that scamming is taking on everyday Australians, and a number of policy commitments have demonstrated a desire to address the issue through the establishment of a National Anti-Scam Centre, the proposed introduction of a Scam Prevention Framework regulated by the ACCC and the AFP global operation (Operation Firestorm) focused on cyber criminals and target organised crime networks scamming Australians. Corporate Australia is spending many tens of millions of dollars every year responding to these scams.¹¹ Magnitsky-style sanctions against individuals or entities associated with serious human rights abuses and cyber scamming operations should be another complementary tool Australia uses to proactively and more aggressively address scamming at its source, to disrupt operations and drive for change and accountability.

TOR a) an assessment of the consistency in application of Australia’s sanctions regime and in coordination with key partners and allies, including the identification of any gaps and time lags in their application

To date, Australia has used its Magnitsky-style human rights thematic sanctions power in a very limited way, against targets in Russia, Iran and Israel. Further, despite the government’s comments around how Australia’s sanctions regime is “more effective when we partner with other countries to send a message”¹², our sanctions powers are comparatively under-used in the fight against modern slavery.

We urge the Committee to take a serious look at why we are reticent to act in concert with our peers, who have already taken action against perpetrators of modern slavery, including forced scamming. Most recently, on 12 September 2024, the US sanctioned powerful Cambodian businessman Ly Yong Phat and his associated companies “for their role in serious human rights abuse related to the treatment of trafficked workers subjected to forced labor in online scam centers.”¹³ Mr Ly is a Senator in the Cambodian government, a senior Cambodian People’s Party leader and acts as an advisor to the Prime Minister, making him “virtually untouchable”.¹⁴

These are precisely the types of cases that thematic sanctions are designed for, being those where there are no prospects that perpetrators of egregious human rights abuses will be held to account. This may be because of lack of domestic government will to act, or even complicity in the abuses. For example, the US State Department Trafficking in Persons 2024 reported that corruption and official complicity in trafficking crimes remained widespread and endemic in Cambodia.¹⁵ Thematic sanctions can also be usefully leveraged in the aftermath of breakdowns in governance and limited national capability or will to combat human rights abuses, such as in Myanmar in the aftermath of the 2021 Tatmataw military coup d’etat.¹⁶

In December 2023, the UK, US and Canada coordinated to impose a number of Magnitsky-style sanctions, including against those complicit in cases of forced scamming where victims were



“subject to torture, physical abuse and further cruel, inhuman and degrading treatment or punishment”.¹⁷ These human rights abuses are happening in Australia’s neighbourhood. Australians can even be the targets of such sanctions: for example, one sanctionee in the December round is an Australian national.¹⁸ While this might create some wariness on behalf of the Australian Government, the prospect that Australians may be committing egregious human rights abuses should spur, rather than preclude, Australia to act jointly with allies to close the net on human rights abusers.

Australia needs to act in concert with like-minded nations for sanctions to have collective impact in fighting human rights abuses and corruption. The reality is that potential candidates for targeted sanctions are already using Australia and its financial systems to store their wealth; reports from the media suggest that Australia is already a haven for criminals involved in serious human rights abuses and transnational crime, driving up real estate prices and dealing with Australian citizens, residents and entities.¹⁹ As Jacob Sims, transnational crime and modern slavery expert, stated in 2024: *“Australia is well-established as a haven for asset storage by the Cambodian kleptocratic elite... If the government hopes to take seriously the risks to its citizens or trafficking victims from around the world by this particularly egregious abuser, following suit is a clear decision.”*²⁰

TOR b) consideration of the evidence on how sanctions regimes are targeting and addressing behaviour of designated individuals and entities; and

TOR f) consideration of methods to assess the effectiveness of sanctions decisions and/or the extent to which sanctions are having the intended impact, and recommend any improvements;

Use of targeted sanctions demonstrates Australia’s support for human rights and genuine commitment to action, by investing in a mechanism that identifies human rights violations in other countries, denying entry into Australia and access to facilities to human rights abusers and “tainted” money, and preventing Australian citizens from connecting to them. Imposing targeted sanctions, especially executed in concert with other governments, sends a clear message that Australia will not be a haven for human rights abusers.

The impact of sanctions goes well beyond the symbolic and fulfills a number of objectives.

- 1) Sanctions are a tool to “**name, blame and shame**” human rights abusers, and a way to condemn behaviour that contravenes international norms and fuels similar efforts by other governments with additional leverage over sanctions targets.
- 2) Sanctions can **limit the impact of violations** by raising the cost of the targeted behaviour or interfering with the ability to raise funds. The stigmatising effect of sanctions



can isolate targeted individuals, bringing about a decline in backing or support that enables them to carry out targeted activities.

3) Sanctions can have a **deterrent effect** by interfering with the way targeted individuals can access international banking and commerce, luxury goods, international educational opportunities for their children, travel for tourism and professional conferences.

Although consideration of effectiveness of sanctions should not be based solely on behavioural changes, the following examples demonstrate that individually targeted sanctions can bring about changes in status, legitimacy and power of sanctioned individuals and spur foreign government action:²¹

Human Trafficking: In December 2022, the US government issued sanctions in relation to human trafficking abuses, targeting two individuals, Zhuo Xinrong and Li Zhenyu, and their network of entities and vessels involved in forced labour on a China-registered distant-water fishing fleet.²² These were the first US sanctions targeting an entity listed on the NASDAQ stock exchange. In June 2023, an investigation by The Australian uncovered Zhuo Xinrong’s association with the Australia China Economic, Trade and Cultural Exchange Association, which prompted his resignation,²³ demonstrating the impact of sanctions beyond the US.

Latvia: In December 2019, the US government imposed sanctions on Aivars Lembergs, a Latvian politician, for money laundering, expropriation, bribery, and abuse of office.²⁴ Four entities that Lembergs owned or controlled were also designated, including the Ventspils Freeport Authority, which operated a major international port. Following the designation, the Latvian government passed legislation removing Lembergs from control of the Ventspils Freeport Authority, and Lembergs resigned from the entity, where he had previously served as board chair. This led to the US government removing the sanctions on it,²⁵ and highlights the potential effectiveness of sanctions to spur behaviour modification.

Other examples of targeted sanctions bringing about change include:

- Ugandan legislature declined to pass further anti-LGBT legislation in 2014 following the imposition of US visa bans on Ugandan individuals.²⁶
- Threat of US sanctions targeting individuals in the Maldives responsible for President Mohamed Nasheed’s arbitrary arrest and unfair trial resulted in his release from detention.²⁷
- US sanctions against a corrupt judge added impetus to judicial reform in Ukraine.²⁸
- In 2023, targeted sanctions helped prevent a coup by the “kleptocratic elite” in Guatemala.²⁹



The literature has noted the methodological challenges in assessing the effectiveness of sanctions regimes - including identifying the purposes for which sanctions were imposed, selecting the relevant time period to assess effectiveness, and determining whether effectiveness is measured by the economic, political or psychological impact of the sanctions³⁰ - this difficulty should not be a reason to avoid use of targeted human rights sanctions.

Sanctions are a valuable tool as one element of a broader strategy to address human rights abuses, and in particular forced scamming and other human trafficking offences. As stated in the second reading speech in support of the *Autonomous Sanctions Amendment (Magnitsky-style and other Thematic Sanctions) Bill 2021*, “Autonomous sanctions can be used as an important tool of statecraft to respond to the most egregious situations of international concern, when in our national interest.”³¹

TOR c) consideration of specific measures to coordinate, collaborate, and harmonise sanctions with partners and allies, and multilaterally, including how different interests can be taken into account

Noting that Australia’s autonomous sanctions decision-making process is opaque by design, it is difficult to comment here, other than to urge the Australian government to collaborate fully, openly and freely with partners and allies.

It is unfortunate that the government effectively rejected the recommendation of the Joint Standing Committee on Foreign Affairs, Defence and Trade to set out processes in legislation for Australian authorities to work with other jurisdictions and their sanctions regimes.³²

If there is not already a coordinated forum for cross-government discussion and collaboration, we consider the Australian Government would make a worthwhile contribution to the sanctions arena by establishing one.

TOR e) consideration of opportunities for engagement by the Australian community, civil society, financial institutions and other organisations in Australia’s sanctions regime;

A weakness of the current thematic sanctions regime is the lack of engagement by civil society, business and financial institutions in the sanctions process. The Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry Report into targeted human rights sanctions³³ recommended that there be an established and transparent pathway for organisations to nominate a person for sanctionable conduct, noting that civil society organisations and diaspora groups have access to valuable evidence documenting human rights abuses and corruption where they are occurring that would be valuable in making decisions to sanction someone. The Committee also recommended that there be an independent advisory body created to receive



nominations, consider them and make recommendations to the Minister for a decision. These recommendations were not implemented.

Taking the example of forced scamming, there is need for coordinated data collection on a worldwide basis that would gather information not only from government sources but also civil society, media, business, and financial institutions, to have a full picture of the problem and its vast and evolving network of criminal actors. The issue of forced scamming was first recognised and brought to light by civil society organisations, then highlighted by media, bringing it to the attention of governments.

The sanctions regime can be improved by providing a pathway for civil society organisations to submit evidence-based sanction recommendations to relevant authorities to start the sanctions process. Civil society, who have access to key information about human rights abuses, can play a significant role in identifying situations of sanctionable abuses. A November 2022 report estimated that at least 34% of US sanctions actions, 4% of UK sanctions actions and 13% of EU sanctions under their Magnitsky-style sanctions programs had a basis in civil society recommendations.³⁴ Under the US Magnitsky regime, the US government is required to consider credible information obtained by... nongovernmental organizations that monitor “violations of human rights”. The Treasury and State Departments accept and consider recommendations from NGOs and periodically consult with NGOs that have submitted information.

Further, as noted in the Committee report, creating a pathway for civil society organisations would provide “a degree of public confidence in the process of nomination, and allow representations from those people and organisations directly affected.”³⁵

We recommend, in line with the Committee report, that there be an independent advisory body that would receive nominations and make decisions for sanctions targets, with a clear pathway for civil society, business, financial institutions and other stakeholders to provide information and nominations. The process should allow for the information to be made confidentially to adequately address any concerns for individuals and organisations making the nominations about personal safety and security or having adverse program impacts, especially for civil society organisations doing development and human rights work in countries where forced scamming is occurring. The information provided in this process, along with the identities of those providing the information, should be exempt from access requests under freedom of information legislation, to protect those individuals and entities from retaliation. This would preclude powerful sanction targets making records requests to learn of the sources, then target those who provided the initial information.



TOR h) consideration of the role of sanctions in an increasingly complex global context, where geo-strategic competition is re-shaping our region;

Magnitsky-style laws have been criticised for their capacity to be appropriated by political interests and used to cynically disguise such maneuvering with a facade of justice, undermining the reputation of both the sanctions regimes themselves and the Governments that leverage it as defenders of human rights.³⁶ This is a particularly cogent criticism in Australia, where there is no federal act or constitutional charter to otherwise protect human rights unlike other countries with Magnitsky-style laws, such as the United States, Canada, and the United Kingdom.³⁷ Further, given international concerns over Australia’s approach to human rights,³⁸ adopting and enforcing a principled approach to sanctions would bolster Australia’s international reputation as a good faith partner on human rights issues.

Multiple groups, in their submissions to the inquiry on the need for a national Magnitsky-style law, warned that Australia would likely be blinded to abuses by its allies resulting in an inconsistent application of human rights standards.³⁹ To mitigate these risks, stakeholders recommended a variety of measures including, among others, an independent oversight body “to help depoliticise” the applications of sanctions, detailed legislative criteria that a decision-maker must consider when deciding whether to levy sanctions, which must relevantly include proportionality as a criterion.⁴⁰ The Government rejected these recommendations as “*sanctions are a foreign policy tool aimed at achieving foreign policy goals ... [which are] not appropriate for consideration ... in a public setting*” and as “*it is important the Government retain appropriate flexibility in the application of sanctions.*”⁴¹

However, in the intervening years since its enactment, the Government has not only shied away from applying Magnitsky-style sanctions against its key allies but also more broadly to other countries for human rights abuses.⁴² Some scholars have linked Australia’s apparent reluctance to deploy its Magnitsky-style sanctions to its extreme flexibility in application,⁴³ noting that “[i]t may prove difficult to insist on one’s unlimited licence to sanction whomever one will and for whatever reasons, and then present resulting designations as a product of impartial justice at work.”⁴⁴ It is evident that the need for guiding criteria, if not an independent advisory body, remains to combat the apparent paralysis of choice afflicting the Government.

Reforming the regime through providing clear criteria to guide decision making will also illustrate that these sanctions are levied for a human rights purpose beyond politics which can also bolster Australia’s independent diplomatic efforts. Magnitsky-style sanctions can better protect human rights when multiple like-minded peers move as one but are diminished when our allies are predominantly politically motivated. Criteria which transparently indicate that Australia will conduct independent and principled assessments before moving in concert with its key allies will not only enhance credibility of the sanctions system and Australia’s human rights approach, but will also create greater opportunities to collaborate with key figures in the Asia Pacific region.⁴⁵ To retain its status as the country with the strongest response to modern



slavery in Asia Pacific,⁴⁶ it is imperative that Australia utilises every tool within its capacity to combat extreme exploitation.

About Walk Free

Walk Free is an international human rights group working to accelerate the end of all forms of modern slavery. Walk Free is the creator of the Global Slavery Index, the world's most comprehensive data set on modern slavery. Walk Free uses this data to mobilize powerful forces for change against these human rights abuses. Walk Free works with governments and regulators, businesses and investors, and faith and community leaders to drive systems change and partners directly with frontline organizations to impact the lives of those vulnerable to modern slavery. Walk Free works with survivors to build the movement to end modern slavery, recognising that lived experience is expertise and that survivors are central to identifying lasting solutions.

About IJM

International Justice Mission (IJM) is an international human rights organisation that protects people in poverty from violence. IJM partners with local authorities in 29 countries to combat trafficking, slavery, violence against women and children, and other forms of abuse against people who are poor. IJM works with local authorities and governments to rescue and restore survivors, hold perpetrators accountable, and help strengthen public justice systems so they can better protect people from violence. Jurisdictions where IJM has worked with governments to implement its Protection Model have seen a reduction in rates of violence from 50 to 86%.

Since 2021, IJM has helped local authorities remove and support victim identification for over 400 individuals whom we believe to be victims of forced scamming within Southeast Asia's scam compounds, where workers from over 20 countries globally are trafficked and forced to scam Australians and other nationalities over social media, messaging and dating apps through romance cryptocurrency investment scams. IJM Protection Projects in Cambodia, Thailand, Myanmar, Philippines, Malaysia and Indonesia proactively coordinate with government agencies and foreign embassies to facilitate rescues and repatriation of their national victims and connect with NGO partners to provide legal and psychosocial support. IJM's Southeast Asian cross-border forced labour program also builds capacity building and advice on recommendations for addressing the pervasive gaps in system, policy and collaboration that fuel all forms of forced labour in the region.

- ¹ Walk Free 2023, *Global Slavery Index Country Study: Modern Slavery in Australia*. Available from: <https://www.walkfree.org/global-slavery-index/country-studies/australia/>. [18 September 2024]
- ² International Labour Organisation 2024, *Profits and Poverty: the economics of forced labour*. Available from: <https://www.ilo.org/publications/major-publications/profits-and-poverty-economics-forced-labour>. [18 September 2024].
- ³ International Labour Organization (ILO), Walk Free & International Organization for Migration (IOM) 2022, *Global Estimates of Modern Slavery*. Available from: https://cdn.walkfree.org/content/uploads/2022/09/12142341/GEMS-2022_Report_EN_V8.pdf. [18 September 2024].
- ⁴ Associated Press/ABC 2021, “EU, US, UK, Canada target China officials over Uyghur abuses” *ABC News*. Available from: <https://www.abc.net.au/news/2021-03-23/eu-us-uk-canada-target-china-officials-over-uyghur-abuses/100022544>. [18 September 2024].
- ⁵ Office of the United Nations High Commissioner for Human Rights 2023, *Online scam operations and trafficking into forced criminality in Southeast Asia: recommendations for a human rights response*, Office of the United Nations High Commissioner for Human Rights Regional Office for South-East Asia. Available from: <https://bangkok.ohchr.org/wp-content/uploads/2023/08/ONLINE-SCAM-OPERATIONS-2582023.pdf>. [18 September 2024].
- ⁶ United States Institute of Peace Senior Study Group 2024, *Southeast Asia: a Growing Threat to Global Peace and Security*, United States Institute of Peace. Available from: <https://www.usip.org/publications/2024/05/transnational-crime-southeast-asia-growing-threat-global-peace-and-security>. [18 September 2024].
- ⁷ As above
- ⁸ As above
- ⁹ Australian Competition and Consumer Commission 2024, *Targeting Scams: Report of the National Anti-Scam Centre on scams activity 2023*, Australian Government & National Anti-Scam Centre. Available from: <https://www.accc.gov.au/system/files/targeting-scams-report-activity-2023.pdf>. [18 September 2024].
- ¹⁰ United States Institute of Peace Senior Study Group 2024, *Southeast Asia: a Growing Threat to Global Peace and Security*, United States Institute of Peace. Available from: <https://www.usip.org/publications/2024/05/transnational-crime-southeast-asia-growing-threat-global-peace-and-security>. [18 September 2024].
- ¹¹ See for example \$100 million investment by banking sector into Scam-Safe Accord which includes a new confirmation payee system to be rolled out across all banks: <https://www.ausbanking.org.au/new-scam-safe-accord/> [24 November 2023].
- ¹² Senator Penny Wong 2022, “Penny Wong: Why I’m imposing sanctions on human rights abusers,” Minister for Foreign Affairs. Available from: <https://www.foreignminister.gov.au/minister/penny-wong/opinion/penny-wong-why-im-imposing-sanctions-human-rights-abusers>. [18 September 2024].
- ¹³ US Department of the Treasury 2024, “Treasury Sanctions Cambodian Tycoon and Businesses Linked to Human Trafficking and Forced Labor in Furtherance of Cyber and Virtual Currency Scams”, US Department of the Treasury. Available from: <https://home.treasury.gov/news/press-releases/jv2576>. [18 September 2024].; See also: Sims J 2024, “Will new U.S. sanctions on one of Cambodia’s most prominent state-affiliated kingpins signal a turning point for Cambodian state organized crime?” *The Diplomat*. Available from: <https://thediplomat.com/2024/09/the-sanctioning-of-ly-yong-phat-milestone-or-mirage/>. [18 September 2024].
- ¹⁴ Wee S.L. 2023, “They’re Forced to Run Online Scams. Their Captors Are Untouchable,” *The New York Times*. Available from:

<https://www.nytimes.com/2023/08/28/world/asia/cambodia-cyber-scam.html>. [18 September 2024].

¹⁵ “However, corruption and official complicity – including by high-level senior government officials – in trafficking crimes remained widespread and endemic during the reporting period; this included the exploitation of tens of thousands of victims in forced criminality in online scam operations in Cambodia. Officials actively impeded countervailing efforts, including reportedly undermining anti-trafficking law enforcement and victim protection efforts and dispelling reported accusations through minimization and denial in public messaging of the prevalence and severity of online scam operations, including reports of government complicity.” See Office to Monitor and Combat Trafficking in Persons 2024, *Trafficking in Persons Report: Cambodia country narrative*, United States Department of State. Available from: <https://www.state.gov/reports/2024-trafficking-in-persons-report/cambodia/> [18 September 2024].

¹⁶ Office to Monitor and Combat Trafficking in Persons 2024, *Trafficking in Persons Report: Burma country narrative*, United States Department of State. Available from:

<https://www.state.gov/reports/2024-trafficking-in-persons-report/burma/>. [18 September 2024].

¹⁷ Strangio S 2023, “US, UK, Canada Sanctions Target Southeast Asian Scam Operations” *The Diplomat*. Available from: <https://thediplomat.com/2023/12/us-uk-canada-sanctions-target-southeast-asian-scam-operations/>. [18 September 2024].

¹⁸ See for example sanctions by the UK Government in December 2023: Demetriadi A 2024, “UK sanctions Australian casino director over human trafficking links” *The Australian*. Available from:

https://www.theaustralian.com.au/subscribe/news/1/?sourceCode=TAWEB_WRE170_a_GGL&dest=https%3A%2F%2Fwww.theaustralian.com.au%2Fnation%2Fuk-government-slaps-sanctions-on-nsw-man-eberahim-abbas-over-fraud-factory-trafficking-links%2Fnews-story%2Fab6f08db75. [19 September 2024]; and

and by the US Government in 2018: Cochrane L 2018, “US imposes sanctions on Australian man working for 'Sin City' casino in Laos” *ABC News*. Available from: <https://www.abc.net.au/news/2018-02-02/australian-sanctioned-for-bribery-at-laos-casino/9391374> [19 September 2023].

¹⁹ Jackson W 2024, “US sanctions powerful Cambodian tycoon over alleged human rights abuses in scam operations” *ABC News*. Available from: <https://www.abc.net.au/news/2024-09-13/us-sanctions-ly-yong-phat-human-rights-abuses-online-scams/104348430>. [18 September 2024].

²⁰ As above.

²¹ Human Rights First 2023, *U.S. Global Magnitsky Sanctions*, Human Rights First. Available from: <https://humanrightsfirst.org/library/u-s-global-magnitsky-sanctions/> [18 September 2024].

²² US Department of the Treasury 2022, “Treasury Targets Serious Human Rights Abuse Aboard Distant Water Fishing Vessels Based in the People’s Republic of China,” US Department of the Treasury. Available from: <https://home.treasury.gov/news/press-releases/jy1154>. [18 September 2024]. See also: Fiorillo J, 2022. “US sanctions Chinese companies for alleged human rights abuses aboard illegal fishing vessels”, *Intrafish*. Available from: <https://www.intrafish.com/fisheries/us-sanctions-chinese-companies-for-alleged-human-rights-abuses-aboard-illegal-fishing-vessels/2-1-1371202>. [18 September 2024].

²³ “Magnate on US black list severs ties”, *The Australian*, 6 June 2023:

<https://www.theaustralian.com.au/nation/magnate-on-us-black-list-severs-ties/news-story/05036f34f5c49fbd2c3b06adc3b828fc>. [18 September 2024].

²⁴ US Department of the Treasury 2019, “Treasury Sanctions Corruption and Material Support Networks”, US Department of the Treasury. Available from: <https://home.treasury.gov/news/press-releases/sm849>. [18 September 2024].

²⁵ US Department of the Treasury 2019, “Treasury Removes Sanctions on Latvia’s Ventspils Freeport Authority”, US Department of the Treasury. Available from: <https://home.treasury.gov/news/press-releases/sm860>. [18 September 2024].

- ²⁶ Pomper S 2018, *Atrocity Prevention under the Obama Administration: What we Learned and the Path Ahead*, United States Holocaust Memorial Museum. Available from: https://www.ushmm.org/m/pdfs/Stephen_Pomper_Report_02-2018.pdf at p. 23. . [18 September 2024].
- ²⁷ Clooney A 2020, *Report on the Use of Targeted Sanctions to Protect Journalists: An International Bar Association Human Rights Institute Report*, Independent HighLevel Panel of Legal Experts on Media Freedom, paragraph 31. Available from <https://www.ibanet.org/medias/1734A793-FD31-452D-84CA-B85EFC4AF744.pdf?context=bWFzdGVyfGFzc2V0c3w1Nzk5NDJ8YXBwbGljYXRpb24vcGRmfGFHUXhMMmcxTmk4NE9EQTNnakEwT1RFek1UZ3IMekUzTXpSQk56a3pMVVpFTXpFdE5EVXISQzA0TkVOQkxVSTROVVZHUXpSQlJqYzBOQzV3WkdZfDYyNzEwZTFkYjQ3MTk5NmVhMmYyMDJmMTlwYjUyMjEwYTE5ZGZjNmY4MGJiNzM5Mjk3MTczYWlyYWQ1M2VkZDI>. [18 September 2024].
- ²⁸ Stockman F 2024, “There Is a Right and a Wrong Way to Wield Sanctions” *The New York Times*. Available from: <https://www.nytimes.com/2024/09/11/opinion/sanctions-venezuela-haiti.html?searchResultPosition=10>. [Available from: <https://www.nytimes.com/2024/09/11/opinion/sanctions-venezuela-haiti.html?searchResultPosition=10>. [18 September 2024].
- ²⁹ As above
- ³⁰ As above, paragraph 25.
- ³¹ Senator Duniam 2021, “Second reading speech of Autonomous Sanctions Amendment (Thematic Sanctions) Bill 2021”, 24 November 2021, Commonwealth of Australia. Available from: https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansards/25184/toc_pdf/Senate_2021_11_24_Official.pdf;fileType=application%2Fpdf#search=%22chamber/hansards/25184/0167%22. [18 September 2024].
- ³² Committee Secretary 2021, *Australian Government response to the Joint Standing Committee on Foreign Affairs, Defence and Trade - Human Rights Sub-Committee report: Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement?*, Parliament of Australia, Recommendation 16. Available from: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/MagnitskyAct/Government_Response. [18 September 2024].
- ³³ Committee Secretary 2020, *Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement?*, Commonwealth of Australia, paragraph 5.58. Available from: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/MagnitskyAct/Report. [18 September 2024].
- ³⁴ Human Rights First, Open Society Foundations, Raoul Wallenberg Centre for Human Rights & Redress 2022, *Multilateral Magnitsky Sanctions at Five Years*, Human Rights First, p. 11. Available from: https://humanrightsfirst.org/wp-content/uploads/2022/11/Multilateral-Magnitsky-Sanctions-at-Five-Years_November-2022.pdf [18 September 2024].
- ³⁵ Committee Secretary 2020, *Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement?*, Commonwealth of Australia, paragraph 5.58. Available from: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/MagnitskyAct/Report. [18 September 2024].
- ³⁶ Committee Secretary 2020, *Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement?*, Commonwealth of Australia, Chapter 4. Available from: https://www.aph.gov.au/-/media/02_Parliamentary_Business/24_Committees/244_Joint_Committees/JFADT/Foreign_Affairs_Defence_and_Trade/Magnitsky_Inquiry/Chapter_4.pdf?la=en&hash=999B6EE09C0115E7B7B1D9EAADB13C2558432EE2. [18 September 2024].
- ³⁷ Australian Human Rights Commission 2023, *A Human Rights Act for Australia (factsheet)*, Australian Human Rights Commission. Available from: https://humanrights.gov.au/sites/default/files/free_equal_hra_2022_-_2_pager_rgb_0.pdf. [18 September 2024].

³⁸ Working Group on the Universal Periodic Review 2021, *Compilation on Australia Report of the Office of the United Nations High Commissioner for Human Rights*, Human Rights Council. Available from: <https://documents.un.org/doc/undoc/gen/g20/306/42/pdf/g2030642.pdf>. [18 September 2024]; Working Group on the Universal Periodic Review 2021, *Summary of Stakeholders' submissions on Australia*, Human Rights Council. <https://documents.un.org/doc/undoc/gen/g20/280/42/pdf/g2028042.pdf>. [18 September 2024]; United Nations High Commissioner on Refugees, *United Nations Observations: Australia's transfer arrangements with Nauru and Papua New Guinea (2012-present)*, UNHCR. Available from: <https://www.unhcr.org/au/united-nations-observations>. [18 September 2024]; Human Rights Watch 2021, *Australia: Address Abuses Raised at UN Review*, Human Rights Watch. Available from: <https://www.hrw.org/news/2021/01/21/australia-address-abuses-raised-un-review>. [18 September 2024].

³⁹ Committee Secretary 2020, *Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement?*, Commonwealth of Australia, Chapter 4. Available from: https://www.aph.gov.au/-/media/02_Parliamentary_Business/24_Committees/244_Joint_Committees/JFADT/Foreign_Affairs_Defence_and_Trade/Magnitsky_Inquiry/Chapter_4.pdf?la=en&hash=999B6EE09C0115E7B7B1D9EAADB13C2558432EE2. [18 September 2024].

⁴⁰ As above, paragraphs 4.37, 4.6.

⁴¹ Committee Secretary 2021, *Australian Government response to the Joint Standing Committee on Foreign Affairs, Defence and Trade - Human Rights Sub-Committee report: Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement?*, Parliament of Australia, p. 8-9. Available from: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/MagnitskyAct/Government_Response. [18 September 2024].

⁴² Department of Foreign Affairs and Trade 2024, 'Consolidated List' as at 20 August 2024. Available from: <https://www.dfat.gov.au/international-relations/security/sanctions/consolidated-list>. [18 September 2024].

⁴³ Moiseienko, A 2022, "One can't be too careful? Australia's cautious sanctions policy" *ANU College of Law*. Available from: <https://law.anu.edu.au/one-cant-be-too-careful-australias-cautious-sanctions-policy>. [18 September 2024].

⁴⁴ Moiseienko A, 2021, "Corruption and Human Rights Sanctions in Australia: Where Public Law Meets Foreign Policy", *Australian Public Law*. Available from: <https://www.auspublaw.org/blog/2021/10/corruption-and-human-rights-sanctions-in-australia-where-public-law-meets-foreign-policy>. [18 September 2024].

⁴⁵ PIF 2023, "UNGA 78: SG Puna at the Carnegie-SPF 3rd annual Indo-Pacific Islands Dialogue, NYC", *Pacific Islands Forum*. Available from: <https://forumsec.org/publications/unga-78-sg-puna-carnegie-spf-3rd-annual-indo-pacific-islands-dialogue-nyc>. [18 September 2024].

⁴⁶ Walk Free 2023, *Global Slavery Index Country Study: Modern Slavery in Australia*. Available from: <https://www.walkfree.org/global-slavery-index/country-studies/australia/>. [18 September 2024].