

Explanation of vote

L.38 Resolution on civil society space

Mr President, Australia joins the cross-regional core group and other co-sponsors in opposing this amendment.

We appreciate the considerable effort made by the Core Group in negotiations on this resolution to reach a balanced text. We note this has included both a written and oral revision inserting new language to allay the concerns of other delegations. This amendment would upset this carefully calibrated balance.

Mr President, the text of amendment L.38 is inconsistent with the principle of universality of human rights. It promotes the idea that fundamental human rights obligations can be disregarded based on national circumstances. There is no basis for States to claim national sovereignty to excuse violations of their international obligations to protect human rights and fundamental freedoms.

If successful, this amendment would undermine the notion that all states have the obligation to respect fundamental human rights, including the rights of civil society actors, when developing their legal systems.

Our opposition to this amendment goes beyond its impact on the civil society space. It risks jeopardising our work and joint efforts in the Human Rights Council and risks undermining the protection of universal human rights.

We note that the text of resolution L.17/Rev.1 already makes clear in PP12 that the legal framework within which civil society operates is domestic law, consistent with the Charter and international law. Introducing extra language on sovereignty will upset this balance and is unnecessary.

We note there is also already a reference to the entire framework provided by ECOSOC resolution 1996/31 in this resolution, in PP6. We do not consider there is a need to start selectively identifying particular elements from that resolution.

We call on all members of the Council to vote NO on this amendment.