

Human Rights Council – 43rd session

Explanation of Vote

Resolution on the Promotion of Mutually Beneficial Cooperation in the Field of Human Rights 22 June 2020

Australia has negotiated in good faith with the penholder of draft resolution L.31 and we thank them for their efforts to accommodate some of our suggestions and for holding three informal consultations under unexpected COVID-19 conditions in March. However, we regret that our central concerns were not addressed in the final text.

We are disappointed that the penholder neither clarified nor justified their use of key terms. We continue to have serious concerns with the text.

Our fundamental concern with the text centres on the term ‘mutually beneficial cooperation’. It is not an agreed multilateral concept and the penholder has not provided sufficient explanation of it and its relationship to universal, indivisible, and interdependent human rights. The term inappropriately:

- prioritises state-to-state relations over individual human rights;
- limits engagement on a country’s human rights record to issues accepted by that country;
- redefines the mandates of key Human Rights Council mechanisms; and
- diminishes the role of National Human Rights Institutions and civil society in the international human rights system.

Technical assistance and capacity-building play an important role in promoting and protecting human rights, however we are concerned that linking this with the term ‘mutually beneficial cooperation’ in draft resolution L.31 lacks recognition of the importance of monitoring, accountability and transparency.

We are also concerned about the inclusion of ‘community of shared future’ in draft resolution L.31. Here, too, the language is unclear – it does not have an agreed definition. It is a domestic concept, rather than one agreed for use in multilateral documents.

Use of these terms causes confusion, and potentially undermines long-established principles with regards to the promotion and protection of human rights, technical assistance, capacity-building and development cooperation.

Australia is disappointed that draft resolution L.31 seeks to prioritise the right to development above other human rights, contrary to the principle that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing. For these reasons, Australia will vote ‘no’ on draft resolution L.31.