



United Nations
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The Right to Enjoy the Benefits of **Scientific Progress and its Applications**



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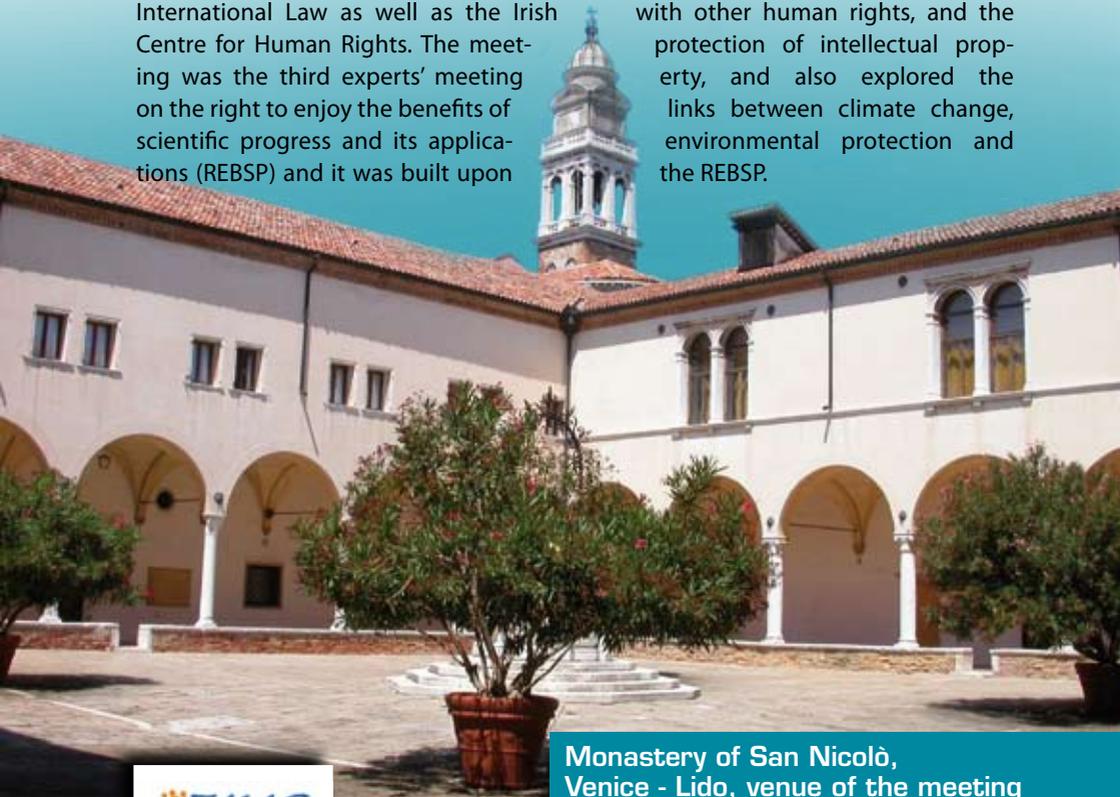
Venice, Italy
16-17 July 2009

THE RIGHT TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND ITS APPLICATIONS

This booklet presents the outcome of the Experts' Meeting held on 16-17 July 2009 in Venice, Italy

The meeting was organized by UNESCO jointly with the European Inter-University Centre for Human Rights and Democratisation (EIUC) and in cooperation with the Amsterdam Center for International Law as well as the Irish Centre for Human Rights. The meeting was the third experts' meeting on the right to enjoy the benefits of scientific progress and its applications (REBSP) and it was built upon

the findings of previous meetings which took place in Amsterdam (June 2007) and in Galway (November 2008). Those meetings examined the interdependence and interrelationship of REBSP with other human rights, and the protection of intellectual property, and also explored the links between climate change, environmental protection and the REBSP.



**Monastery of San Nicolò,
Venice - Lido, venue of the meeting**



The European Inter-University Centre for Human Rights and Democratisation (EIUC) is an interdisciplinary centre with 41 participating universities from all Members States of the European Union. The EIUC is a centre of education, training and research activities in the field of human rights and democracy. Its interdisciplinary Master's programme in human rights and democratisation exists for already 11 years (E.MA); UNESCO supports it from its very creation. The new memorandum of cooperation between UNESCO and EIUC was signed in 2008.



The UNESCO Strategy on Human Rights was adopted by the Organization's General Conference at its 32nd session in October 2003.

The Strategy aims at reaffirming the commitment of the Organization to the cause of promoting and protecting human rights and at identifying priority areas of action with a view to increase the impact and visibility of UNESCO's work in the field of human rights. The experts' meeting in Venice is in line with the Strategy's objective to promote research and to disseminate knowledge on human rights that are within the fields of competence of the Organization.

The Venice meeting was aimed at further elucidating the normative content of the REBSP and clarifying the relevant State obligations. The meeting brought together leading experts and representatives of intergovernmental organizations and bodies (OHCHR, WIPO, WTO and EU), three members of the Committee on Economic, Social and Cultural Rights (CESCR) and the United Nations Special Rapporteur on the right to food, as well as representatives of UNESCO Chairs and non-governmental organizations.

The four main items of the agenda were: the neglect of the REBSP; the elucidation of the core content of the REBSP; State obligations in relation to the REBSP; and international cooperation and the REBSP. Each session was introduced by keynote speakers and followed by substantive discussions. The concluding session was dedicated to the elaboration of a final document comprising suggestions on how to move forward with the interpretation and the implementation of the REBSP. These suggestions were summarized in the *Venice Statement*.

The Legal Basis and Importance of the Right to Enjoy the Benefits of Scientific Progress and its Applications

The right to enjoy the benefits of scientific progress and its applications (REBSP) is enshrined in various international and regional instruments. It was proclaimed for the first time in Article 13 of the American Declaration of the Rights and Duties of Man (1948) which states that "every person has the right [...] to participate in the benefits that result from intellectual progress, especially scientific discoveries."

The REBSP was further enshrined in Article 27 of the Universal Declaration of Human Rights (1948) which stipulates that "everyone has the right [...] to share in scientific advancements and its benefits."

This right became a binding norm when it was included in Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), which recognizes "the right of everyone to enjoy the benefits of scientific progress and its applications."

The REBSP has acquired an increased importance in today's globalized world. Rapid scientific and technological developments result in drastic changes in the daily life of both individuals and the societies they live in. Access to the benefits of scientific progress not only allows improving one's socio-economic situation, but also gives the opportunity to take a meaningful part in the life of communities whether they are local, national or international. Restriction of access to scientific progress may lead to stagnation, regression and exclusion. On the contrary, the enjoyment of REBSP is important to redress the negative effects of globalization and to eradicate poverty.



One of the main issues at stake is the accessibility of the benefits of scientific progress. Everyone should fully enjoy the benefits of scientific progress. Scientific advances in the field of medical research and medicine, for example, should be within (financial) reach for all. The same applies to the access to modern technologies and devices in the fields of education, communication etc.

At the same time, the norm requires that individuals should be protected from possible negative effects of scientific and technological progress on the enjoyment of human rights. Furthermore, development of weapon technologies endangers the enjoyment of human rights worldwide. Scientific advancements in medicine and food production should be tested to avoid possible damage to individuals and the environment. In information and communication, new technologies should not put the right to privacy at risk.

The Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind (GA Res. 3384 (XXX)), adopted in 1975, noted that "while scientific and technological developments provide ever increasing opportunities to better the conditions of life of peoples and nations, in a number of instances they can give rise to social problems, as well as threaten the human rights and fundamental freedoms of the individual." The World Conference on Human Rights (1993) reaffirmed the right to benefit from scientific progress (Paragraph 11 of the Vienna Declaration). The World Conference noted that certain advances, notably in biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and called for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern. Serious challenges in relation to the REBSP arise in connection with bioethics

and biotechnology. The Universal Declaration on the Human Genome and Human Rights (1997), the International Declaration on Human Genetic Data (2003) and the Universal Declaration on Bioethics and Human Rights (2005), adopted by UNESCO, were adopted in response to these challenges.

The right to enjoy the benefits of scientific progress and its applications is closely related to other human rights. The REBSP is especially connected to the other rights enshrined in Article 15 ICESCR: the right to take part in cultural life (paragraph 1 (a)), the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the author (paragraph 1 (c)), as well as the right to freedom indispensable for scientific research and creative activity (paragraph 3). The REBSP is also intrinsically linked to the right to food (Article 11), the right to health (Article 12) and the right to education (Article 13 and 14), as well as with other rights enshrined in both the ICESCR as well as in the International Covenant on Civil and Political Rights (ICCPR), including the right to an adequate standard of living (Article 11), the right to seek, receive and impart information (Article 19, paragraph 2 of the ICCPR), the right to development, the emerging rights to a clean and healthy environment and to access to safe drinking water.

All of the above shows that the realization and enjoyment of a number of civil, cultural, economic, political and social rights depend upon the sharing of the benefits of scientific progress. This is why it is so important to further the elucidation of the REBSP and to improve its implementation. With this in mind, the experts elaborated a final document of the meeting, the *Venice Statement*.

The participants expressed the hope that the *Venice Statement* can give impetus to further elucidation and implementation of this right.

First Session

A Neglected Provision of the ICESCR – The Right of Everyone to Enjoy the Benefits of Scientific Progress and its Applications – A Critical Analysis



**Professor Andreas Eshete,
President of Addis Ababa University,
Chairperson of Session 1**

Two presentations were made during the session. The first presentation offered a critical analysis of the REBSP and proposed a strategy for its promotion while the second outlined the proposed core content and core obligations in relation to the REBSP.

During the debate, several experts underlined the need for a General Comment¹ on the REBSP. It was also suggested that the CESCR hold a Day of General Discussion in order to reach a consensus on the normative content of the right and develops a strategy which could possibly result in the drafting of a General Comment.

Some experts observed that the ICESCR contains sufficient elements to allow the

Committee to make an interpretation of the REBSP and to develop a General Comment accordingly.

The group further discussed possible strategies for promoting the REBSP that might result in the Committee's drafting of a General Comment. Some participants suggested asking States Parties to the ICESCR to come forward with their respective national policies and practices regarding the REBSP while others suggested not waiting for the State Parties to do so. Moreover, it was suggested to draw analogies with the process of clarification of the normative content of other rights (e.g. the right to development).

It was emphasized that much of the core content of the REBSP could be further clarified by cross-referencing the core content of other related human rights such as the core content/obligations of the rights to food and health, labor rights as well as the right to freedom of expression.

(1) A General Comment provides guidelines on how to interpret the normative content of a concrete right and the related State obligations. The document is elaborated by a committee responsible for the monitoring of a given standard-setting instrument. The Committee on Economic, Social and Cultural Rights has already elaborated 20 General Comments, including on the right to adequate housing, the right to adequate food and the right to education.





According to Professor Riedel, there is still a lack of clarity in regard to the normative content of the REBSP and the relevant State obligations. This is due to the bland wording of Article 15 (1)(b) ICESCR and to the lack of Committee practice in dealing with this right. Professor Riedel therefore suggests, *inter alia*, that the CESCR pay more attention to the REBSP while considering State periodic reports. The vigorous use of the Reporting Guidelines of the CESCR could be very helpful in this regard. He also recommends that UNESCO takes the lead in further promoting the REBSP.



**Professor Eibe Riedel,
Member of the CESR, keynote speaker**

Another issue is the collective dimension of the REBSP. Most participants advocated for the inclusion of such a dimension into the concept of the REBSP.

Participants discussed the need to clarify the international dimension of core obligations relating to the REBSP, including when exactly an international (extraterritorial) obligation of a State or the international community steps in to complement the obligations of another State. It was held that international obligations must reasonably gain importance in situations where core obligations relating to the REBSP cannot be implemented by a State due to lack of resources.

The fact that the scientific process is driven by the market and its implications for the implementation of the REBSP were discussed in more detail. Participants observed that in this context the role of the State was possibly to identify areas where the market forces fail to stimulate scientific research (e.g. with regard

The Core Content of the Right to Enjoy the Benefits of Scientific Progress

to neglected diseases) and to take measures to fill these gaps. Other participants called for a more substantive overhaul of the way in which scientific research is funded. It was suggested to consider science and knowledge as 'global public goods', and to use this notion as guidance for restructuring the system of financing scientific research.



**Professor Audrey Chapman,
University of Connecticut,
keynote speaker**

Professor Chapman pointed out that there is still some ambiguity as to the scope of the concept of core content and core obligations related to ESC rights. Basically, two approaches of defining a core content exist. The first consists in describing the minimum level of obligations to ensure the satisfaction of the minimum essential levels of a right. The second approach is based on a broad approach which describes the essence of a right. Professor Chapman then enumerated the difficulties of defining the core content of the REBSP. Many of the States' obligations relating to the REBSP are likely beyond the capabilities of many States. She then outlined the core obligations of States, using the tripartite typology of obligations.* According to Professor Chapman, the core obligations of States vary according to their income and level of development.

* The obligations to respect, protect and fulfill

Second Session

State Obligations in Relation to the Rights to Enjoy the Benefits of Scientific Progress



**Professor Rodolfo Stavenhagen,
Colégio de México,
Chairperson of Session 2**

In her presentation, keynote speaker Dr. Yvonne Donders proposed to use - in relation to relevant State obligations emanating from the

REBSP - the conceptual frameworks applied to other economic, social and cultural rights under the ICESCR.



Scepticism was expressed during the debate about the possibility of applying these frameworks to the REBSP. There was consensus on the need to adapt these schemes to the specificities of the REBSP, even though it still needs to be clarified how to adapt the schemes.

It was mentioned that States should neither limit nor interfere with scientific research and thus respect the freedom of scientific research. Agreement was expressed that although scientists should have the freedom of research, it should also be acknowledged that scientists have an individual responsibility while undertaking scientific research.

It was argued that States have been weakened and that nowadays non-state actors play an increasingly important role in the field of science. Therefore non-state actors such as private corporations, should also bear part of the responsibilities in this field.

It was suggested that the mapping of national practices – legislative, judicial and administrative – relating to the implementation of the REBSP could be extremely helpful for the elucidation of the normative content of this right and the related State obligations. Especially human rights activists, scientists and others could help in such mapping and collection of data since certain States lack either the willingness or the means to do so.

Dr. Donders analyzed the REBSP and the relevant State obligations through a textual interpretation of the provisions enshrined in the ICESCR and the application of the conceptual frameworks that have been used by the Committee on Economic, Social and Cultural Rights for clarifying the components of other rights (i.e. the tripartite typology of obligations and the so-called 4 A-scheme, Availability, Accessibility, Acceptability and Adaptability). She presented four different elements of the REBSP: first, scientific freedom, including the freedom to assess and choose the preferred path of scientific and technological research; second, the right to be protected from possible harmful effects of science; third, the right to access to and participation in scientific and technological advancement; and fourth, international cooperation. She underlined the importance of reading the REBSP in conjunction with other human rights, in particular the right to education and information. Dr. Donders concluded with suggesting the application of a human rights-based approach to science to ensure that scientific processes and outcomes are in compliance with human rights norms.



Dr. Yvonne Donders, Executive Director of the Amsterdam Centre for International Law, keynote speaker

Third Session

International Cooperation and the Right to Enjoy the Benefits of Scientific Progress



**Dr. Christian Courtis, OHCHR,
keynote speaker**

Dr. Courtis pointed out that the CESCR frequently refers to the need for international cooperation for the effective implementation of ESC rights, and the related international (and extraterritorial) obligations of States and the international community. Nonetheless, the scope of international obligations under the ICESCR remains unclear and any discussion about it involves politically sensitive questions. He based much of his analysis on the practice of the CESCR, drawing a distinction between the obligations of those States that are in the position to assist other States in the realization of ESC rights, and those States that may request international assistance. Dr Courtis shared his views about international obligations relating to the implementation of the REBSP, such as the obligation to guarantee the freedom of science, the striking of a balance between the REBSP and the protection of intellectual property rights, the obligation not to engage in scientific experiments without the consent of the participants as well as the obligation to assist in the fulfillment of the right beyond one's own border.



**Professor Stephen Marks, Harvard
University, Chairperson of Session 3**

The fourth keynote speaker Dr. Christian Courtis, underlined the importance of international cooperation for the implementation of the REBSP and thus for the enjoyment of other human rights.

Participants noticed that within a discussion on international obligations regarding the REBSP more attention should be paid to the responsibilities of international organizations and private actors. In this context it was highlighted that the Committee in its more recent General Comments not only identified international obligations of States but also of other entities, such as the UN and its agencies, programmes and bodies, international financial institutions (IMF, World Bank and regional development banks), and the WTO. It was suggested that the UNESCO procedure (under 104 EX/Decision 3.3 (1978)) for handling complaints of alleged violations of human rights in its fields of competence - including the REBSP - could be used more often to further the implementation of this right.



Fourth Session



**Professor Janusz Symonides,
Warsaw University,
Chairperson of Session 4**

Drafting of the *Venice Statement*

During the third plenary session the participants agreed upon the structure of the document to be adopted by the experts. A drafting group, composed of Jessica Wyndham, Virginia Bras Gomes, Stephen Marks and Ibrahim Salama, elaborated a first draft of that document.

After general discussion of the draft, four working groups, each covering a different part of the document, were created in order to accelerate the drafting process. All of the participants took part in a group of their choice.

The working groups prepared their respective parts of the document which were presented, discussed and agreed upon at the fourth plenary session. There was consensus that the opinions expressed in the *Venice Statement* are those of the experts and do not necessarily reflect those of UNESCO, WIPO, WTO, OHCHR or any other intergovernmental organization or body whose representatives participated in the meeting. After thorough discussion, the experts adopted by consensus the *Venice Statement* (the text is hereby attached).



The ideas and opinions expressed
in the *Venice Statement* are
those of the experts and do
not necessarily reflect the
views of UNESCO or any other
intergovernmental organization or
body and do not commit them.

Venice Statement

on the Right to Enjoy the Benefits of Scientific Progress and its Applications

I. Introduction

- 1** In the light of the increasing relevance and continued neglect of the right to enjoy the benefits of scientific progress and its applications, as included inter alia in Article 27 of the Universal Declaration of Human Rights and Article 15(1)(b) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), three expert meetings were convened by UNESCO in collaboration with the Amsterdam Center for International Law, the Irish Centre for Human Rights, and the European Inter-University Centre for Human Rights and Democratisation, in Amsterdam, the Netherlands, on 7-8 June 2007, in Galway, Ireland, 23-24 November 2008, and Venice, Italy, 16-17 July 2009.
- 2** The following preliminary findings and proposals emerged from the discussions at these meetings, with the aim of clarifying the normative content of the right to enjoy the benefits of scientific progress and its applications and generating a discussion among all relevant stakeholders with a view to enhance the implementation of this right.

II. The Contemporary Relevance of the Right

- 3** The acceleration of the production of knowledge in the context of globalization has increased the effects on human rights in both positive and negative ways, with consequences for inequalities among and within States and across generations. We have identified many examples of these conflicting trends, including the following:
 - i.** In the area of food production, although scientific advances have significantly increased crop yields, they may also reduce crop genetic diversity, widen the gap between poor farmers and large-scale producers, and thus affect the right to food.

- ii. Scientific advances in medicine have helped to cure more diseases and enhance the quality of life. However, these advances are driven primarily by market considerations that often do not correspond to the health needs of the world's population as a whole, thus affecting the right to health.
 - iii. Advances in information and communication technologies have expanded opportunities for education, freedom of expression and trade. But they have also widened the “digital gap,” and facilitated infringements of privacy, incitement to hatred and censorship, and thus affect the full spectrum of human rights as well as cultural diversity.
- 4** Significant disparities are increasing among States concerning the availability of resources, capabilities, and infrastructure necessary to engage in research and development. The acceleration of scientific progress is widening the divide between the most and least scientifically and technologically advanced societies. The resulting lack of access reduces the ability to enjoy human rights, including the ability to hold governments accountable, particularly for the direction of scientific progress and its impact on human rights.
- 5** The relationship between human rights and science is further complicated by the fact that private and non-State actors are increasingly the principal producers of scientific progress and technological advances. It is the responsibility of States to ensure that all relevant interests are balanced, in the advance of scientific progress, in accordance with human rights.

III. Conceptual Challenges

- 6** The ongoing process of science has different meanings and implications in different contexts and may pose significant challenges for human rights in the world today. The processes, products and applications of science should be used for the benefit of all humanity without discrimination, particularly with regard to disadvantaged and marginalized persons and communities. That requires attention to five main issues.
- 7** First, it is necessary to clarify the nature of scientific knowledge, progress or advancement and who decides on goals, policies, allocation of resources and possible conflicts between freedom of research and the protection of other human rights and human dignity. In addition, whereas the individual right to enjoy the benefits of scientific progress and its applications must be respected, the rights of communities to share in these benefits must be recognized as equally important.

- 8** Second, freedom of inquiry is a vital element in the development of science in its broadest sense. Science is not only about advancing knowledge of a specific subject matter, nor merely about procuring a set of data and testing hypotheses that may be useful for some practical purpose. It is also, at the same time, about enhancing the conditions for further scientific and cultural activity.
- 9** Third, States, commercial enterprise and the scientific community have a responsibility to ensure support for scientific inquiry and dissemination of scientific knowledge, and to actively pursue capacity building on a global scale, particularly in those countries which are relatively inactive in this regard.
- 10** Fourth, the right to enjoy the benefits of scientific progress and its applications may create tensions with the intellectual property regime, which is a temporary monopoly with a valuable social function that should be managed in accordance with a common responsibility to prevent the unacceptable prioritization of profit for some over benefit for all.
- 11** Fifth, in the context of Article 15 1(b) ICESCR, enjoyment as “participation” is distinct from enjoyment as actual “sharing” in the benefits of scientific progress and its applications. Participation in scientific progress is valuable in its own right, and while the benefits of science should be shared equitably, neither of these components of the right is a substitute for the other. The right to share in scientific benefits should not be predicated on participation, particularly where there is a direct threat to fundamental rights, most notably the rights to life, health and food.

IV. Elements of the Normative Content and State Obligations

Fundamental Principles

- 12** In the elaboration of the right to enjoy the benefits of scientific progress and its applications, certain fundamental principles should be considered:
 - a)** This right is applicable to all fields of science and its applications.
 - b)** A human rights-based approach requires that science and its applications are consistent with fundamental human rights principles such as non-discrimination, gender equality, accountability and participation, and that particular attention should be paid to the needs of disadvantaged and marginalized groups.
 - c)** In conformity with the principles of universality, indivisibility, interdependence and interrelatedness, this right is relevant to the realization of other civil, cultural, economic, political and social rights.

- d) This right is inextricably linked not only to the freedom indispensable for scientific research as enshrined in Article 15(3) ICESCR and the rights of authors and creators as recognized in Article 15(1)(c) ICESCR, as well as those rights where reference to access to science and technology is made (i.e. the right to food (Article 11 ICESCR) and the right to health (Article 12 ICESCR)), but also to other rights, such as to a clean environment, education, information, labor rights, social security, sustainable development, water, where access to science is an implicit requirement for their full enjoyment.
- e) This right can be enjoyed individually and collectively.
- f) This right should be applied consistently with the precautionary principle according to which, in the absence of scientific consensus, caution and the avoidance of steps are required in case an action or policy might cause severe or irreversible harm to the public or the environment.
- g) The implementation of this right requires close international cooperation and assistance as it is stipulated by the Universal Declaration of Human Rights and other international instruments.

Normative Content

13 The normative content should be directed towards the following:

- a) Creation of an enabling and participatory environment for the conservation, development and diffusion of science and technology, which implies *inter alia* academic and scientific freedom, including freedoms of opinion and expression, to seek, receive and impart information, association and movement; equal access and participation of all public and private actors; and capacity-building and education.
- b) Enjoyment of the applications of the benefits of scientific progress, which implies *inter alia* non-discriminatory access to the benefits of scientific progress and its applications, including technology transfer and capacity-building.
- c) Protection from abuse and adverse effects of science and its applications. Areas of contemporary controversy include, for example, stem cell research, nanotechnologies, nuclear energy, GMOs, climate change, generic seeds that can be reused, cloning, ethics of science and technology, new technologies in the working environment. The possibility of adverse effects of science in these and other regards requires that impact assessments should be seen as an integral part of the development of science.



State Obligations

14 The duty to *respect* should include:

- a)** to respect the freedoms indispensable for scientific research and creative activity, such as freedom of thought, to hold opinions without interference, and to seek, receive, and impart information and ideas of all kinds;
- b)** to respect the right of scientists to form and join professional societies and associations, as well as academic autonomy;
- c)** to respect the freedom of the scientific community and its individual members to collaborate with others both within and across the country's borders, including the freed exchange of information, research ideas and results;
- d)** to take appropriate measures to prevent the use of science and technology in a manner that could limit or interfere with the enjoyment of the human rights and fundamental freedoms.

15 The duty to *protect* should include:

- a)** a) to take measures, including legislative measures, to prevent and preclude the utilization by third parties of science and technologies to the detriment of human rights and fundamental freedoms and the dignity of the human person by third parties;
- b)** b) to take measures to ensure the protection of the human rights of people subject to research activities by entities, whether public or private, in particular the right to information and free and informed consent.

16 The duty to *fulfill* should include:

- a)** to adopt a legal and policy framework and to establish institutions to promote the development and diffusion of science and technology in a manner consistent with fundamental human rights. The relevant policies should be periodically reviewed on the basis of a participatory and transparent process, with particular attention to the status and needs of disadvantaged and marginalized groups;
- b)** to promote access to the benefits of science and its applications on a non-discriminatory basis including measures necessary to address the needs of disadvantaged and marginalized groups;
- c)** to monitor the potential harmful effects of science and technology, to effectively react to the findings and inform the public in a transparent way;
- d)** to take measures to encourage and strengthen international cooperation and assistance in science and technology to the benefit of all people and to comply in this regard with the States' obligations under international law;
- e)** to provide opportunities for public engagement in decision-making about science and technology and their development;

- f) to institute effective science curricula at all levels of the educational system, particularly in the State-sponsored schools, leading to development of the skills necessary to engage in scientific research.

V. Next Steps

- 17** The next steps for the further and comprehensive elucidation of the right to enjoy the benefits of scientific progress and its applications, raising awareness about this right, its implementation, and the monitoring of its realization, require the cooperation and participation of the following actors: the UN system and other intergovernmental organizations, regional organizations, States, the scientific and academic communities, civil society and the private sector.

UN system and other intergovernmental organizations **UNESCO**

- 18** Having taken the lead in promoting international action to advance this right, UNESCO should continue its leadership in raising awareness and contributing to the elucidation of the right. It can utilize its comparative advantage as an institution involving a wide range of relevant disciplines to engage both the scientific and human rights communities through inter-sectoral cooperation. Finally, it should promote wider use of the existing complaint procedure under UNESCO Ex 104/Decision 3.3 to provide a recourse for individuals and groups seeking redress for violations of the right to enjoy the benefits of scientific progress and its applications.

Other Specialized Agencies, Funds and Programmes

- 19** Among the institutions with a particular contribution to make in elucidating this right in their fields of competence, FAO, ILO, UNDP, UNEP, UNICEF, WIPO and WHO each has responsibility for aspects of science and technology and could reexamine its role in this regard from the perspective of the right to enjoy the benefits of scientific progress and its applications.
- 20** In light of enhanced attention to this right, the OHCHR should devote sufficient financial and human resources to research aimed at clarifying the content, identifying obstacles, detailing positive examples of State practice, and emphasizing the inherent link between this right and other human rights. In servicing the Committee on Economic, Social and Cultural Rights it should provide information useful to strengthen the Committee's dialogue with States Parties in relationship to Article 15(1)(b), and Articles 15(2)-(4) as they relate to science.



Human Rights Council

- 21** Consistent with its commitment to giving due attention to economic, social and cultural rights, the Human Rights Council should consider including this right in its agenda and eventually the appointment of an independent expert or special rapporteur. Existing Special Procedures should pay increased attention to this right in the fulfillment of their mandate.

Treaty bodies

- 22** The treaty bodies should pay adequate attention to this right in relation to their monitoring of specific references to scientific progress and advances in their respective treaties. In particular, the Committee on Economic, Social and Cultural Rights should strengthen its dialogue with States Parties in relationship to Article 15(1)(b) by allowing adequate time during its consideration of States reports, and by reminding States of their need to provide information consistent with the Reporting Guidelines. It should also consider holding a day of general discussion towards the development of a General Comment on Article 15(1)(b).

Regional organizations

- 23** Given that the region of the Americas was the first to adopt an international document containing this right, the OAS should take steps to implement Article 14 of the San Salvador Protocol. In addition, other regional organizations should consider ways and means of implementing this right.

States

- 24** To ensure that science and technology policy serve human needs in addition to economic prosperity, States should apply human rights-based approaches to their policies and activities in the field of science and technology. Consistent with their obligations under the Covenant and the right to development, they should also promote international cooperation and assistance to countries that encounter difficulties in developing science and technology policy and science education. The right to enjoy the benefits of scientific progress and its applications implies a duty of States to take measures to protect individuals and communities from possible harmful effects of science and scientific development. States Parties to the ICESCR should report more fully on the implementation of this right in their periodic reports. The realization of this right further requires that States provide remedies for violations in national law and by ratifying the Optional Protocol to the ICESCR.

Scientific community

- 25** Scientists and their professional organizations can manifest their commitment to this right by developing greater awareness of the meaning and significance of this right and an understanding of its application to the conduct of science, as well as participating in the elucidation of this right.

Civil society

- 26** Human rights organizations and other civil society groups have a critical role in promoting the implementation of this right through advocacy, such as the preparation of shadow reports to treaty bodies in their consideration of State reports, and by efforts to protect victims of violations of these rights, including by submitting complaints pursuant to UNESCO EX 104/Decision 3.3 and to the Optional Protocol to the ICESCR in cases of the violation of the freedom necessary for scientific inquiry and of individuals to benefit from advances in science and technology.

Private sector

- 27** It is not inconsistent with the economic objectives of the private sector for enterprises to act in ways that advance this right. The private sector plays a major role in advances in science and technology and should examine ways of contributing to this right, by giving greater attention to the basic needs of disadvantaged and marginalized groups, and in particular the right of all to enjoy the benefits of scientific progress (e.g. consider implementing the Guidelines on Pharmaceutical Companies and Human Rights).

The Right to Enjoy the Benefits of Scientific Progress and its Applications

The right to share in scientific advancement and its benefits was proclaimed already in 1948 by the Universal Declaration of Human Rights. The right of everyone to enjoy the benefits of scientific progress and its applications was reaffirmed in the International Covenant on Economic, Social and Cultural Rights in 1966. However, for a number of years little attention has been paid to this right and its normative content and related State obligations have remained blurry. The experts' meeting organized in Venice on 16-17 July 2009 at the initiative of UNESCO and in partnership with the European Inter-University Centre for Human Rights and Democratisation (EIUC) was aimed at taking a step closer to filling this gap.

The experts participating in the meeting elaborated the *Venice Statement*. The latter includes a set of proposals as to the possible content of this right and suggestions concerning future efforts for its implementation. A summary of the discussions of this meeting together with the *Venice Statement* are presented in this booklet.

**Experts' meeting
Venice, Italy
16-17 July 2009**

