February 13, 2020

Committee on Economic, Social and Cultural Rights

Human Rights Treaties Division

Office of the United Nations High Commissioner for Human Rights

Palais Wilson - 52, rue des Pâquis

CH-1201 Geneva, Switzerland

Written Submission to the Committee on Economic, Social and Cultural Rights (the “CESCR”)

The Taxpayers Protection Alliance (TPA), a Washington, D.C. based non-partisan non-governmental organization, appreciates the opportunity to provide comments on the draft General Comment on Science and Economic, Social and Cultural Rights (“the Draft General Comment”) which discusses the right to enjoy the benefits of scientific progress.

TPA supports the goal of making the benefits of scientific and technological developments as accessible to people as possible without unnecessary restrictions and barriers imposed by countries. TPA further notes the tremendous impact that technology has had in lifting people out of poverty and improving health outcomes in recent years. Malnutrition has been plummeting with significant and consistent declines in starvation and nutritional deficiencies resulting from the Green Revolution of the latter half of the twentieth century. This trend has continued in recent years; the prevalence of hunger in the world has [decreased by 27 percent from the 2000 level](http://ifpri.org/publication/2017-global-hunger-index-inequalities-hunger) owing to continued innovation and scientific developments. As such, and as noted in page 19 of the Draft General Comment, the right to enjoy the benefits of scientific progress carries significant intrinsic value and serves as a powerful vehicle for the realization of other rights and benefits.

Without taking a position on the substantive Draft General Comment, TPA wishes to emphasize the general principle that persons should have the right to enjoy the benefits of scientific progress free from restrictions imposed by countries absent compelling, exceptional circumstances. In order to fully realize the transformative value of new technologies, however, countries should refrain from placing prohibitions on the use of new technologies. Further, as noted in page 23, regulatory information concerning the benefits of science and technology should be open and transparent so that persons are able to make informed decisions as to whether or not to make use of the fruits of scientific progress.

In order to maximize the accessibility of this information and realize the full benefits of scientific progress, restrictions on the advertising of the benefits of innovative products ought to be seen as contrary to the fundamental norms of these human rights. Norms enforcing the openness of information should be applicable even in instances where longer-term effects of a product may not be fully known, or there is debate within the scientific community about specific consequences of product use. Even in such cases, countries should embrace the right of freedom of speech and encourage the diffusion of the fullest information available on the product/technology. This approach is preferable to restricting information, as it accords consumers the right and responsibilities of assessing conflicting information for themselves.

Furthermore, TPA agrees with the United Nations’ contention in the Draft General Comment that the precautionary principle “if applied too broadly, may prevent scientific progress which is beneficial for humanity” and that it should “not block scientific development” (as per page 61). While we recognize that in certain circumstances it may be necessary to apply the precautionary principle, the overall presumption should be *against* its invocation.

In order for the full benefits of scientific progress to be as accessible to as many people as possible, and in particular to citizens of poorer countries, restrictions on the use and promotion of new products ought to be as limited as possible. Whether these restrictions are because of a misguided application of the precautionary principle, or through an erroneous belief that stifling advertising freedoms will somehow “protect consumers,” onerous policies ultimately end up harming the people they wish to help. These policies undermine health and prosperity and violate the human right to scientific progress in the process.

We thank the Committee on Economic, Social and Cultural Rights for taking the time to read our comments.

Sincerely,



Tim Andrews

Executive Director