

**Committee on Economic, Social and Cultural Rights (CESCR) Draft General Comment on Science**

Submission by FIAN International, February 14, 2020

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FIAN International welcomes the Committee’s work on a General Comment (GC) that clarifies states’ obligations under the ICESCR related to science. Regarding the draft GC, we would like to bring the following points to the attention of the Committee:

1. FIAN considers that the GC should put the fundamental human rights-principle of **self-determination** at the heart of a human right to science. As described in the draft GC, human rights related to science have, until now, been conceived of mainly as a right to enjoy the benefits of science and its applications. In addition, a strong accent has been put on the freedoms that are indispensable for scientific research. While these remain important aspects of human rights related to science, we consider that the unprecedented use of the applications of scientific research in many aspects of life (concerning both the intensity with which technological advances are reshaping societies, as well as the geographical extent of their reach), requires placing the ability of people to define in a self-determined way what kind of science, knowledge and technology they need and want center stage. We recommend that the GC is built around such an approach, which goes beyond putting in place safeguards, and which provides guidance to states on how to design public policies related to science that are emancipatory and serve the purpose of advancing economic, social and cultural rights in a world that is increasingly based on knowledge.

We consider that these aspects could strengthen all sections of the draft GC, in particular sections II, III.A, IV.C, IV.D., IV.E, V.A, V.G, VI, and VII.

1. FIAN considers that the GC should put a stronger emphasis on the recognition of **diverse sources of knowledge and science**, ranging from institutional knowledge generated by academia and the formal systems to local, traditional and indigenous knowledge systems that have evolved from collective experiences, practices and innovations of communities across the world over millennia. The GC should carefully avoid giving the impression that certain types of science and knowledge production (in particular academic, “Western” science) are superior to others, but rather recommend states to recognize and promote a diversity of knowledge systems. This is vital considering that most non-“Western” traditional sciences have been historically, albeit falsely, relegated to the realm of irrational, mystical and the unthinking, lacking in empirical knowledge acquisition. This has simultaneously been inextricably linked with the biopiracy and appropriation of scientific knowledge that has propelled many of the advances of “Western” sciences, (e.g. aspirins, malaria drugs, contraceptives, anti-venoms), as well as many agricultural and nutritional advances to name a few. As such, FIAN strongly feels that the GC should contribute to a de-colonialization of science.

Given that public research policies in most countries focus strongly (if not exclusively) on institutional, academic knowledge production, the GC should recommend states to take specific measures to acknowledge, value and promote other forms of knowledge as well as cosmovisions/worldviews that are based on different paradigms, recognizing that these are equally legitimate and “scientific”.[[1]](#footnote-1) Such recognition and support is required in order to respect and protect existing cultural diversity, as well as the rights of people and communities to respect, preserve and maintain their knowledge, innovations and practices.[[2]](#footnote-2) As such, the GC would clarify that communities are not passive receivers or beneficiaries of knowledge and science, but are actively taking part in the creation, preservation, and application of different forms of knowledge. The GC should further recommend states to promote the dialogue between different forms of knowledge based on the recognition of rights, mutual respect, as well as the principle of free, prior and informed consent.

We consider that these aspects could strengthen particularly sections III.A, IV.B, IV.C, IV.D, and V.A of the draft GC.

1. FIAN welcomes that the draft GC gives special attention to the increasing role of private and corporate-funded research. However, we recommend that the GC be more explicit about the human rights risks related to the **increasing control of science and knowledge production by corporate interests**. This refers specifically to the fact that corporations and philanthro-capitalist foundations increasingly define research priorities, which are biased towards outcomes that serve private interests.[[3]](#footnote-3) This also compromises the role of scientists and researchers, who are increasingly oriented towards responding to the demands of the private interests that pay for the research, rather than producing knowledge to advance the public interest. The GC should therefore clarify that science and knowledge production need to serve the public interest and well-being, instead of particular interests that are geared towards financial gains. The GC should clarify states’ obligations to take proactive measures ensuring the independence of science from undue influence by corporate and private interests. This requires putting in place measures that ensure social control over science and research, in particular through public governance institutions that (a) oversee, regulate and orient the research agenda towards the public interest and well-being; (b) ensure that knowledge is, first and foremost, a public good; (c) ensure accountability of science to peoples; and (c) address conflicts of interest. The GC should further clarify states’ obligations to ensure corporate accountability in cases of abuses.

We consider that these aspects could strengthen particularly sections IV.D, and V.C of the draft GC.

1. FIAN recommends that the GC put more emphasis on the fact that, without adequate public policies, science and its applications may entail the risk of consolidating and increasing social and environmental injustice. **Structural inequalities and discrimination** are the main causes of human rights violations of the worldwide, including regarding the human right to food and nutrition (RtFN). These are determined and reflected by power imbalances between different actors in society. These, in turn, also manifest as injustice regarding the impacts of environmental harm caused by human activity (often as a result of the anthropocentrism of the dominant “Western” approach to science), which disproportionally affect marginalized communities and groups.

In the context of the so-called Fourth Industrial Revolution, for instance, technologies and their application entail the risk of deepening existing inequalities and creating new forms of dispossession. For instance, digitalization of land and land administration data, as well as automatized land transactions using blockchain technology and smart contracts risks facilitating land grabbing. In addition, digital technologies are used to increase surveillance of farm workers as well as food processing and retail facilities, reducing their space to freely associate in trade unions and struggle for their labor and human rights. Another example is the sequencing of genetic information, which is happening at a fast pace, and which, in combination with patents on genetic sequences/native traits, undermines peasants’ and indigenous peoples’ rights over their seeds, and poses additional threats to the protection of their knowledge, innovations and practices.

The GC should therefore guide states in the designing of adequate and effective regulatory frameworks, that ensure that science and technology does not consolidate, or even deepen, existing inequalities and injustices. This may include measures that (a) address existing discrimination and marginalization (e.g. address the digital divide, which has, among others, rural and gender dimensions); (b) put science-related policies in the context of a coherent set of policies aimed at overcoming the structural causes for discrimination and injustice, including redistributive policies; (c) ensure full respect, protection and guarantee of communities’ and people’s rights, traditional knowledge (systems), practices and innovations; and (d) put in place effective measures to regulate corporate actors and hold them accountable in cases of abuses.

We consider that these aspects could strengthen particularly sections IV.B, IV.C, IV.D, V.A, V.C., V.D, V.G, and VI of the draft GC.

1. FIAN welcomes that the draft GC acknowledges the centrality of the precautionary principle. We consider, however, that the GC should be stronger in **reinforcing the precautionary principle** as a well-established principle of international law, which requires states to take precautionary measures to protect humans and the environment. In the context of biotechnologies, this includes to regulate, manage and control the risks posed by modified living organisms, which are likely to have adverse environmental effects.[[4]](#footnote-4) In addition, in accordance with the Cartagena Protocol, states are required to take measures to protect biological diversity as well as indigenous and local communities against the potential risks posed by genetically modified organisms.[[5]](#footnote-5) Upholding these obligations and recalling them to states is all the more important in the current context, in which the biotechnology industry and agribusiness are trying to circumvent biosafety regulations by claiming that organisms developed through CRISPR and other gene editing techniques should not be considered as genetically engineered.[[6]](#footnote-6) The GC should clarify that states’ obligation to implement the precautionary principle require them to put in place regulatory frameworks on prior risk and impact assessments, which ensure that such assessments are conducted by an independent body and with public participation, and their results be made public and inform measures to prevent, cease, and remedy harm. The GC should further underline the importance of effective monitoring mechanisms that allow assessing the impacts of risky technologies, as well as the provision of adequate and effective complaint and remedy mechanisms for individuals and groups whose human rights have been negatively affected. FIAN considers that the GC should encourage states to consider putting in place restrictive measures, such as moratoria, in the context of technologies whose risks are particularly severe and far-reaching, such as gene drives, among others.[[7]](#footnote-7)

We consider that these aspects could strengthen particularly sections III.B, IV.C, IV.D, V.B, V.F., V.G, and VI of the draft GC.

1. Examples include traditional Chinese medicine and indigenous therapeutic practices in the context of health. In the context of food and nutrition, agroecology is an example of a paradigm and set of practices that is rooted in the knowledge developed by communities and peoples over centuries. [↑](#footnote-ref-1)
2. UN Declaration on the Rights of Indigenous Peoples, Preamble and art. 31; UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, art. 20; Convention on Biological Diversity, art 8(j). [↑](#footnote-ref-2)
3. Recent examples include the systematic manipulation of studies on the effects of glyphosate on the human body by Monsanto (see, for instance: <https://corporateeurope.org/en/food-and-agriculture/2018/03/what-monsanto-papers-tell-us-about-corporate-science>), as well as ongoing research on gene drives (see: FIAN. 2018. A Human Rights Analysis of Gene Drives, available at: <https://www.fian.org/fileadmin/media/publications_2018/Letters_and_statements/A_human_rights_analysis_of_gene_drives_final_EN_updated.pdf>). [↑](#footnote-ref-3)
4. Convention on Biological Diversity, art. 8(g). [↑](#footnote-ref-4)
5. Cartagena Protocol, art. 1 [↑](#footnote-ref-5)
6. In an important judgement, the Court of Justice of the European Union declared, in September 2018, that gene-edited organisms including those modified using CRISPR techniques are subjected to the same regulation as other GMOs. See Court of Justice of the European Union press release, No. 111/18, Luxembourg, 25 July 2018, available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-07/cp180111en.pdf> . [↑](#footnote-ref-6)
7. See a call by a broad alliance of civil society organizations (CSOs) for a global moratorium on gene drives, available at: <http://www.etcgroup.org/sites/www.etcgroup.org/files/files/call_to_protect_food_systems_oct_17th.pdf>. [↑](#footnote-ref-7)