**Comments and Suggested Additions**

**Draft General Comment: Science and economic, social and cultural rights**

**Art. 15: 15.1.b, 15.2, 15.3 and 15.4**

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January 28, 2020

These comments and recommended textual changes are primarily focused on three right to the benefits of scientific progress issues: (1) the right to participate in the prioritization of scientific research focused on neglected health needs, (2) the right of inclusion of neglected populations in scientific investigations and clinical trials with respect to health technologies from which they might benefit, (3) the duty of States, scientists, and the entities that scientists work for to be transparent about their scientific investigation to make the fruits of scientific research readily and affordable available via open source and other means, and (4) the duty of States and private sector biopharmaceutical companies and diagnostic/device manufacturers to register or seek marketing approval for medicines and other health technologies broadly and quickly in all States where populations might benefits from such health products. Although I have suggested placement for some of these points in specific provisions, the authors may find that they are more appropriately placed in elsewhere in the General Comment. Similarly, although my comments and suggestions are focused on health-related scientific progress and health technologies, they may be relevant to other fields of scientific endeavor as well.

Para. 12 – add a new sentence: This right to participate in culture, includes for example, the right to participate in setting research priorities to develop insights into the biology of neglected diseases and to further scientific progress in developing new medical technologies for neglected diseases and populations.

Para. 16 – add a new sentence: Furthermore, citizens have a right of access to scientific knowledge, including the scientific knowledge discovered in the process of researching and developing new health technologies.

Para. 21 – add a new sentence: States should further promote open source publication of research findings and data so they might be widely available to other researchers, policy-makers, medical providers, and citizens. States must make research findings and data that they have funded accessible and affordable via open source publication and other means.

Para. 22A – add a new paragraph: A significant barrier to physical availability of the benefits of science is the failure of owners and producers of medical technologies, including pharmaceuticals, diagnostics, and devices, to register or seek marketing approval for such medical technologies promptly and in all States where residents could benefits from such technologies. There is an affirmative duty of States to require and incentivize broad and early registration of new medical technologies in all countries where health benefits could thereby be realized.

Paragraph 27A – add a new paragraph: The right to the benefits of science also means that populations that might reasonably be expected to benefit from scientific applications being tested for safety and efficacy should be included in such studies with reasonable protections and safeguards. Thus, the exclusion of specific populations, including women, pregnant people, children, elders, people with common co-morbidities, and people in regions with distinct biologic profiles should be avoided especially in Phase III clinical trials of biopharmaceutical products.

Paragraph 38A - add a new paragraph: As previously stated, insufficient attention to biological gender difference in medical research have frequently led to ignoring the particular health needs of women, including pregnant people, and to neglecting the study biological differences with respect to new medical technologies, e.g., biopharmaceuticals. The health needs of women should receive special attention and they should be included in relevant scientific studies, including clinical trials to test the safety and efficacy of investigational medical technologies.

Paragraph 49 – add a sentence: The duty to fulfil might also require ensuring that the results of scientific research are made available open-source, to ensure both physical and affordable access.

Paragraph 53A – add a paragraph: Since the benefits of scientific advancement are often instantiated in medical and other products, States have a further duty to ensure that those products are accessible, available, affordable, acceptable, and of assured quality. They should further regulate corporations and other entities to ensure that health and other technologies are promptly and broadly registered for use where they would be of benefit.

Paragraph 59 – add a sentence: In addition, given historic neglect of scientific research focused on marginalized and neglected populations, including on so-called neglected diseases, rights of participation include participation aimed at prioritizing research to meet neglected needs with public and private sector support for such research.

Paragraph 61 – add a sentence: This can occur if access to scientific research and data is delayed or hidden and similarly if access to products incorporating scientific progress is delayed or unaffordable.

Paragraph 65 – add content to the quoted sentence: “First, IP can create distortions in funding of scientific research as private financial support might go only to research projects that are profitable, while funding for addressing issues which are crucial for the general welfare of society” **and for neglected and marginalized populations** “might not receive adequate support.”

Paragraph 65 – add content to the quoted sentence: “For instance, patents limit the possibility to access some data for a certain period of time,” **and trade secret and confidential business information protections can keep the benefits of scientific progress secret indefinitely if there are not adequate means for disclosure in the public interest**.

Paragraph 65 – add content to the quoted sentence: “Further, the excessive price of some scientific publications is an obstacle for low-income researchers, especially in developing countries”, **and to all people who have the right of affordable access to scientific knowledge**.