**Comments on the Draft General Comment on Science**

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My comments are chiefly directed at the very last paragraph of the draft General Comment (GC), para 89 concerning “A human right to science.”

As I see it, Article 15 ICESCR and the rights outlined in its four sub-parts are among the most universally beneficial and important human rights. For that reason, I would like to start by congratulating Rodrigo Uprimny and Mikel Mancisidor on having drafted a GC that I think works and will be very useful for the human rights community in the future. Many of us have looked forward to this particular GC for a while and are very pleased to see it now being under serious consideration.

Looking back after six years as UN Special Rapporteur in the field of cultural rights, Farida Shaheed pointed to a question, asked to her during an expert group meeting, as a catalyst for her understanding of what she calls the right to science: “What does the right to enjoy the benefits of scientific progress and its application mean beyond the right to health…?” This was a vital question, which made her think long and hard, and the answer she came up with informs her 2012 report on the right to science: Beyond the right to health, “at the core of cultural rights is human creativity, regardless of whether this is in terms of science, technology or artistic expression.”[[1]](#footnote-1)

While overlapping in important ways with the right to health, the right to science, to stay within Shaheed’s phrasing, is more than ‘merely’ the right to health. It is a right in and of its own. In addition to concerning human creativity, it is also about making possible and safeguarding scientific knowledge and the consensus of relevant experts on a scientific matter after due consideration from those whose interests are threatened.[[2]](#footnote-2) 15(3) ICESCR expressly protects scientific freedom, and “the crucial rationale for the protection of freedom of science must be seen to lie in the fact that it makes possible the discovery of the truth. Scientiﬁc truth may, in turn, yield beneﬁcial applications of science.”[[3]](#footnote-3)

At a time where public trust is suffering as falsehood is presented as ‘alternative facts’, ‘post-truth’ and ‘fake news’, and the ‘dual use’ and unintended, because unforeseen, consequences of emerging technologies are perceived as an increasing risk, I would like to see this aspect of the right to science reflected in the GC. Para 89 briefly touches on “this set of rights, entitlements, liberties, duties or obligations related to science, analyzed in the GC,” which may be “named the human right to science.” I propose to change the wording of para 89 in the following way:

This set of rights, entitlements, liberties, duties or obligations related to science, analyzed in this General Comment, might be brought together in a single broad concept named the human right to science, in the same way that, for example, the human right to health encompasses a set of rights and freedoms. *The human right to science enables the safeguarding of scientific knowledge and the consensus of relevant experts on a scientific matter after due consideration from those whose interests are threatened.* This approach and *the* name*,* *the right to science,* has already been adopted by the Special Rapporteur on Cultural Rights, by UNESCO, by some international conferences and summits and by some important scientific organizations and publications.

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1. Farida Shaheed, “The United Nations cultural rights mandate: reflections on the significance and challenges,” in Lucky Belder and Helle Porsdam, *Negotiating Cultural Rights: Issues at Stake, Challenges and Recommendations* (Cheltenham, UK: Edward Elgar, 2017), p. 32. [↑](#footnote-ref-1)
2. See Naomi Oreskes, *Why Trust Science?* (Princeton & Oxford: Princeton University Press, 2019). [↑](#footnote-ref-2)
3. Klaus D. Beiter, “Where Have All the Scientific and Academic Freedoms Gone? And What Is ‘Adequate for Science’? The Right to Enjoy the Benefits of Science and Its Applications,” *Israel Law Review* 52(2) 2019, p. 238. [↑](#footnote-ref-3)