The Right to Science

Kompetenzzentrum Menschenrechte
The Right to Science and the Universal Declaration of Human Rights
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1. Article 27 UDHR

− Adoption of the Universal Declaration of Human Rights by the UN General Assembly on 10 December 1948 (A/RES/217(III))
− Article 27 UDHR:
   (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
   (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. And Then?

– Most rights set forth in the UDHR have been interpreted and translated from broad principles into specific state obligations
– 1966 Art. 15 CESCR
– Then, the right to science sank into a deep slumber until 2009

Article 15 CESCR (1966)

1. The States Parties to the present Covenant recognize the **right of everyone**:
(a) To take part in cultural life;
(b) **To enjoy the benefits of scientific progress and its applications**;
(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the **full realization of this right** shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake **to respect the freedom indispensable for scientific research** and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the **encouragement and development of international contacts and co-operation** in the scientific and cultural fields.

3. Developments in Respect of the Right to Science

- Venice Statement on the Right to Enjoy the Benefits of Scientific Progress (2009)
- The Right to Enjoy the Benefits of Scientific Progress and Its Applications, Report of the Special Rapporteur in the field of cultural rights (A/HRC/20/26) (2012)
- UNESCO Recommendation on Science and Scientific Researchers (2017)
- CESCR is working on a General Comment to Art. 15 para. 1 lit. b CESCR

4. What are the Reasons for the Awakening of the Sleeping Beauty?

- Progress and advances in the scientific sector
- Need to promote and protect scientific freedom
- Globalization
- Digitization

5. The Normative Content of the Right to Science (1)

– The notion of science
  - Knowledge that is testable and refutable
  - All fields of science, including social sciences
– Access by all without discrimination to the benefits of science and its applications, including scientific knowledge
  - Scientific knowledge must be made accessible to all
  - Access to science as a whole, not only to specific scientific outcomes or applications
  - Open Access; Intellectual Property; Transfer of Technology

5. The Normative Content of the Right to Science (2)

− Freedom of scientific research
  • Right to freely communicate research results to others and to publish and publicize them without censorship and regardless of frontiers
  • Respecting the autonomy of higher education institutions
  • Freedom of faculty and students to express their opinions about the institution without fear of repression by the State or any other actor

5. The Normative Content of the Right to Science (3)

− Participation of individuals and communities in decision-making about science and the related right to information

  - Protection of all persons against the negative consequences of scientific testing or applications on, e.g., food, health or environment
  - Ensure that scientific research is conducted on key issues for all groups of the population

− Development of an enabling environment fostering the conservation, development and diffusion of science and technology