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29 September 2011

Dear Sir and/or Madam,

As the United Nations Independent Expert in the field of cultural rights and pursuant to Human Rights Council resolution 10/23, in my third report I propose to explore *the right to enjoy the benefits of scientific progress and its applications*, as enshrined in article 27 of the Universal Declaration of Human Rights and article 15, paragraph 1 (b), of the International Covenant on Economic, Social and Cultural Rights.

*The right to enjoy the benefits of scientific progress and its applications* covers all sciences: life, physical, behavioural and social, as well as engineering and the health professions. The realization of this right requires steps be taken to ensure (a) the access of all people, especially marginalized groups, to the benefits of scientific knowledge, progress and its applications necessary to lead a dignified life, as well as to the information necessary for engaging in decision-making processes regarding proposed areas of research and development; (b) the freedom indispensable for scientific research, including the rights of scientists to freedom of thought, to hold opinions without interference, and to travel; (c) that the manner in which scientific research is undertaken and applied does not give rise to violations of human rights; (d) the establishment of a robust scientific infrastructure, bearing in mind the financial and human resources required for the realization of the right to enjoy the benefits of scientific progress and its applications; and (e) the development and encouragement of international contacts and cooperation.

In order to assess achievements and challenges related to the right to enjoy the benefits of scientific progress and its applications, I have prepared a brief questionnaire on the implementation of this right (attached), which I am hereby sending to United Nations agencies and programs, academics and civil society. I wish to thank you in advance for your cooperation and would request you to respond within 2,500 words by **25 November 2011** at the latest. Please also indicate if you have any objections with regard to your reply being posted on the OHCHR website. Should you have any questions or require any clarifications concerning this request, please address them to the Office of the High Commissioner for Human Rights (the mandate's email: [ieulturalrights@ohchr.org](mailto:ieulturalrights@ohchr.org)).

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Farida Shaheed'.

Farida Shaheed  
Independent Expert in the field of cultural rights

## **QUESTIONNAIRE ON THE RIGHT TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND ITS APPLICATIONS**

Can you please indicate the specific areas in relation to the right to enjoy the benefits of scientific progress and its application that your organization works with, and provide examples of the nature of issues you have taken up and challenges you have faced in working with this issue.

### **Accessing the benefits of science and its applications**

1. What legal, administrative and policy measures exist or are planned in your country:
  - a) To ensure that marginalized groups benefit from scientific progress and its applications, including, women, persons with disabilities, minority groups, rural communities and indigenous peoples?
  - b) To promote research and development in areas specifically relevant to marginalized groups, by, for example, providing incentives for innovative research on neglected diseases?
  - c) To ensure and facilitate broad access to information and communication technologies (e.g., computers, Internet and mobile phones)?
  - d) To identify and develop the scientific applications necessary for sustainable solutions to ensure the right of everyone to have access to safe and nutritious food, access to potable water and sanitation, and to address climate change?
2. What are the key challenges faced in your country in undertaking research at the domestic level and ensuring access to scientific developments and its applications, particularly for marginalized groups?

### **Scientific responsibility, safeguards and remedies**

3. What legal, administrative, and policy mechanisms exist or are planned in your country:
  - a) To regulate and monitor scientific research and its applications in the private and public sector so as to provide safeguards against any infringement upon the full enjoyment of human rights? In particular, to safeguard the human rights of participants in research activities and applications by public and private scientific institutions (e.g. rights to information, free and informed consent)?
  - b) To protect the rights of indigenous peoples and local communities whose traditional knowledge is utilized, in the development, dissemination and commercialization of scientific information and knowledge?
  - c) To provide effective remedies and safeguards for any human rights violation related to scientific research or the applications of science or technology? (e.g. judicial review, national human rights institutions or ombudspersons, and other administrative arrangements)

### **The rights of scientists and collaborative work**

4. What measures have been put in place to recognize, respect and protect the rights of scientists:
  - a) To freedom of expression, information and association?
  - b) To collaborate with colleagues nationally and internationally, including through sharing data, samples, research findings, and other information, by travelling freely within and outside the country, and conducting joint research projects?
5. What legal, administrative, policy or other measures have been adopted/are under consideration to eliminate barriers to scientific communication and collaboration, such as censorship, restrictions on access to the Internet or on free availability of scientific literature and journals?

#### **Participatory decision-making and transparency**

6. What measures are put in place to ensure dissemination of information about ongoing scientific research and its applications, including potentially adverse effects of emerging areas of research and its applications, to the public at large?
7. What opportunities exist for meaningful public participation in decision-making about existing and new developments in science and technology?
8. What steps have/are being taken to promote quality science education at all levels for all, in particular for girls, rural populations and the poor?

#### **International cooperation, achievements and challenges**

9. Is the development and application of science and technology integrated in international cooperation policies, such as direct development assistance programs? If so, please provide details.
10. What are the key obstacles and challenges to international cooperation and what steps have been taken to address these? Please provide details.
11. What are the achievements in the field of scientific progress and its applications? Please provide details.