

THEMATIC COMPILATION OF CESCR CONCLUDING OBSERVATIONS:

RIGHT TO SCIENTIFIC PROGRESS

CONTENTS

SCIENTIFIC EDUCATION	2
CULTURAL / SCIENTIFIC INFRASTRUCTURE, GOODS & SERVICES	2
INTERNET ACCESS	4
EXTRACTIVE ACTIVITIES	9
REPORTING & INFORMATION ON ARTICLE 15(1)(b) OF THE ICESCR	9
JUSTICIABILITY	11
PRIOR APPROVAL (ENVIRONMENTAL CLEARANCE) // HUMAN RIGHTS IMPACT ASSESSMENT	12
HEALTH SCIENCES & APPLICATIONS	20
PARTICIPATION IN SCIENCE	20
FREEDOM OF EXPRESSION & SCIENCES	21
OPEN SCIENCE	21
SCIENTIFIC DEVELOPMENT FINANCE	22
FREEDOM OF CREATIVE ACTIVITY // SCIENTIFIC FREEDOM	24
DUTY TO REMEDY MASS HARM / DISORDERS	25
PROTECTION OF INTELLECTUAL PROPERTY RIGHTS	25

SCIENTIFIC EDUCATION

[E/C.12/ISR/CO/4 \(CESCR 2019\)](#)

: para. 66 "... Concerned at the serious impact of the dual-use list on the ability of students in the Gaza Strip to enjoy their right to education, particularly in the fields of science and engineering, and the benefits of scientific progress and its applications due to the lack of essential education materials and equipment;

CULTURAL / SCIENTIFIC INFRASTRUCTURE, GOODS & SERVICES

[E/C.12/GTM/CO/4 \(CESCR 2023\)](#)

: ... prevent the arbitrary use of criminal law to prosecute operators of community-based Indigenous radio stations."

[E/C.12/SVK/CO/3 \(CESCR 2019\)](#)

: para. 61 "The Committee recommends that the State party, based on scientifically up-to-date and ethical considerations, reconsider the above-mentioned provisions and offer, under the public health insurance, equal and non-discriminatory access to in vitro fertilization and embryo transfer as part of quality reproductive health care and in order that the right of every individual to enjoy the benefits of scientific progress and its applications is observed"

[E/C.12/MLI/CO/1 \(CESCR 2018 \)](#)

Right to food

39. The Committee calls upon the State party , as a matter of urgency , to:

(a) Adopt a comprehensive strategy to guarantee the right to adequate food and to combat hunger and chronic malnutrition , particularly in rural areas , by , inter alia , envisaging the incorporation of the right to food in the Constitution and ensuring the effective functioning of the National Agricultural Risk and Disaster Fund;

(b) Step up its efforts to improve the productivity of small agricultural producers by facilitating their access to appropriate technologies , in accordance with their right to enjoy the benefits of scientific progress , and to local markets with a view to boosting incomes in rural areas;

(c) Consider mounting campaigns to raise awareness about the need to prevent the use of pesticides and chemicals in agriculture that are hazardous to health .

40. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines on the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in 2004.

[E/C.12/URY/CO/5 \(CESCR 2017\)](#)

: para. 60 "... The Committee also recommends that the State party adopt the necessary measures to eliminate disparities between rural and urban areas and between different socioeconomic groups in terms of access to and participation in cultural life and access to cultural infrastructure."

[E/C.12/CRI/CO/5 \(CESCR 2016 \)](#)

[Benefits of scientific progress](#)

64. The Committee welcomes the information provided by the State party concerning the authorization of the use of the assisted reproduction technology of in vitro fertilization, pursuant to Executive Decree No. 39210 of 10 September 2015; however, it is concerned that the measure is not sufficiently effective to ensure access to the right to enjoy the benefits of scientific progress and that it also adversely affects the right to sexual and reproductive health and the right to form a family (arts. 15, 10 and 12).

65. The Committee recommends that the State party continue its efforts to ensure, in practice, access to in vitro fertilization technology and to guarantee the right of persons who need to use this technology to enjoy the benefits of scientific progress and its applications.

[E/C.12/KAZ/CO/1 \(CESCR 2010 \)](#)

37. The Committee recommends that the State party take measures to ensure availability of, and equal access to, cultural goods and services, particularly for disadvantaged and marginalized groups and to ensure that privatization and corporate patronage in the areas of culture do not impede access. In this regard, the Committee draws the attention of the State party to its general comment No. 21 on the right to everyone to take part in cultural life (art. 15).

[E/C.12/CHE/CO/2-3 \(CESCR 2010 \)](#)

c) lack of a coherent and comprehensive policy in the State party regarding the promotion and protection of the culture and way of life of the Roma, Sinti and Yeniche c) provision of long-term and short-term caravan sites for travellers continues to be an unresolved problem (art. 15)

r) take concrete measures to promote the culture and way of life of the Roma, Sinti and Yeniche and to encourage the cantons to establish an adequate number of long-term and short-term caravan sites r) draws the attention of the State party to its general comments No. 20 (2009) on non-discrimination and No. 21 (2009) on the right of everyone to take part in cultural life

[E/C.12/BRA/CO/2 \(CESCR 2009 \)](#)

c) the enjoyment of the right to cultural life under article 15 of ICESCR is largely limited to the educated and/or affluent segments of society in the State party c) cultural resources and assets are concentrated in large cities, with relatively little provision being made for smaller regions and towns (art. 15, para. 1(a))

r) take measures to encourage the broader participation of its citizens in cultural life, inter alia, by: - ensuring the wider availability of cultural resources and assets, particularly in smaller cities and regions, and ensuring, in this regard, special provision through subsidies and other forms of assistance for those who lack the means to participate in the cultural activities of their choice - incorporating into the school curricula education on the rights guaranteed under article 15 of ICESCR

[E/C.12/FRA/CO/3 \(CESCR 2008 \)](#)

r) reiterates recommendation formulated in its previous concluding observations (ibid., para. 26) that the State party increase efforts to preserve and promote regional and minority languages and cultural heritage, inter alia by ensuring that sufficient financial and human resources be allocated to the teaching of regional and minority languages and cultures in public schools and to TV and radio broadcasting in these languages r) consider reviewing its position concerning the lack of formal recognition of regional and minority languages in the Constitution of the State party

[E/C.12/PRY/CO/3 \(CESCR 2008 \)](#)

The Committee calls upon the State party to address the specific subjects of concern already expressed with respect to its initial report, and reiterates that the State party should implement the Committee's suggestions and recommendations in this regard In particular: r) increase efforts to speed up the demarcation of ancestral lands and territories and their return to the indigenous peoples, following up the distribution of land to farmers with measures such as technical assistance, inputs, tools, microcredit, training and infrastructure, as well as irrigation and electricity systems r) ensure that the budget allocated to agrarian reform is not diverted;

INTERNET ACCESS

[E/C.12/KWT/CO/3 \(CESCR 2021\)](#)

: para. 39 ".. Ensure that any measures it takes to restrict the spread of COVID-19 misinformation online are limited only to such information and are taken in a way so as not to restrict access to any forms of accurate and legitimate information online."

[E/C.12/AZE/CO/4 \(CESCR 2021\)](#)

: (Application of the Covenant in the context of military hostilities)

: paras 58 & 59 (Digital divide)

-- State party continue working to narrow the digital divide by expanding access to Internet and digital technologies;

[E/C.12/ECU/CO/4 \(CESCR 2019\)](#)

Digital divide

63. While the Committee takes note of the progress made in overcoming the digital divide, it is concerned about the persistence of this gap, which disproportionately affects indigenous peoples, people of African descent and Montubio people (art. 15).

Digital divide

64. The Committee recommends that the State party:

(a) Ensure the effective implementation of the measures set out in the National Development Plan on new communication technologies and in the "Ecuador Digital" action plan of the Ministry of Telecommunications;

(b) Take appropriate measures to narrow the digital divide for the benefit of the rural population, indigenous peoples, people of African descent and Montubio people.

[E/C.12/MUS/CO/5 \(CESCR 2019\)](#)

: para. 62 "... support those who have neither access to the Internet nor the digital skills to benefit from advanced ICT infrastructure, and to ensure that all persons in the State party enjoy the benefits of scientific progress and its applications, including ICT, without discrimination."

[E/C.12/EST/CO/3 \(CESCR 2019\)](#)

Information and communication technology

52. While noting the rapid digitalization of public services in the State party, including in the social security and health-care sectors, the Committee is concerned that a sizable portion of the population, predominantly older persons and persons with low levels of education and income, do not use the Internet or have limited digital skills, and that they may therefore be hindered from enjoying their rights guaranteed in the Covenant (arts. 9, 12 and 15).

53. The Committee recommends that the State party ensure that digital assistance and face-to-face support are easily available for those who have neither access to the Internet nor the digital skills to access information and communications technology-based public services. It also recommends that the State party ensure that all persons in the State party enjoy the benefit of scientific progress and its applications, including information and communications technology, without discrimination.

[E/C.12/CMR/CO/4 \(CESCR 2019\)](#)

Internet access

64. The Committee is concerned at the very low level of Internet access in the country, especially in rural areas. It is also deeply concerned about restrictions on Internet access in the North-West and South-West Regions, which have constrained the exercise of economic, social and cultural rights, including the right to enjoy the benefits of scientific progress and its applications (art. 15).

65. The Committee recommends that the State party take all necessary steps to improve access to the Internet, especially in rural areas, by, inter alia, developing the requisite infrastructure and ensuring that Internet services are affordable for everyone. It calls upon the State party to ensure that any limitations placed on access to the Internet are in all cases subject to careful scrutiny in order to make sure that they are necessary and proportionate to the circumstances, temporary and non-discriminatory, and to ensure that any Internet restrictions are compatible with article 4 of the Covenant and provided for by law.

[E/C.12/ARG/CO/4 \(CESCR 2018\)](#)

: para. 63 "Lastly, the Committee is concerned about the high concentration of media outlets in the hands of a few, as this limits pluralism and hampers the access of disadvantaged groups and indigenous peoples to licenses and financing for the development of audiovisual media (art. 15).

: para 64 "Lastly, the Committee recommends that the State party strengthen the access of disadvantaged groups to communication media, and in particular that it ensure that indigenous peoples have access to audiovisual services, especially community radio, through the effective implementation of the relevant provisions of Act No. 26522 on audiovisual communication services, and that it ensure that any future legal provision on the media make provision for such access.

[E/C.12/ESP/CO/6 \(CESCR 2018\)](#)

: para. 50 The Committee recommends that the State party pursue its efforts, including through increased budget allocation, to promote the development and dissemination of science and culture. ... It also recommends that the State party take the necessary measures to continue promoting the accessibility and affordability of cultural activities, as well as the enjoyment of the benefits of scientific progress and its applications, including the Internet.

[E/C.12/AGO/CO/4-5 \(CESCR 2016 \)](#)

[Access to the Internet](#)

57.The Committee is concerned about the limited access to the Internet in the State party, particularly by disadvantaged and marginalized groups and individuals (art. 15).

58. The Committee recommends that the State party redouble its efforts to increase access to the Internet, especially by disadvantaged and marginalized groups and individuals and in rural areas.

[E/C.12/KEN/CO/2-5 \(CESCR 2016 \)](#)

[Access to the Internet](#)

61.While noting that more than 50 per cent of the population has access to the Internet, the Committee expresses its concern that, among disadvantaged and marginalized individuals and groups and in rural areas, such access is limited (art. 15).

62. The Committee recommends that the State party continue working to expand Internet access, in particular for disadvantaged and marginalized individuals and groups.

[E/C.12/PHL/CO/5-6 \(CESCR 2016 \)](#)

[Internet access](#)

57.While noting that over 40 per cent of the population has access to the Internet, the Committee expresses its concern that such access is limited among disadvantaged and marginalized individuals and groups and in rural areas (art. 15).

58. The Committee recommends that the State party continue working to narrow the digital divide by expanding Internet access, in particular for disadvantaged and marginalized individuals and groups.

[E/C.12/GUY/CO/2-4 \(CESCR 2015 \)](#)

[Access to the Internet](#)

54. The Committee is concerned at the limited access to the Internet and other information and communication technologies, particularly in the hinterland and rural areas (art. 15).

55. The Committee recommends that the State party continue working to expand Internet access, particularly in the hinterland and rural areas. The Committee also recommends that the State party extend assistance to the most disadvantaged and marginalized individuals and groups so as to enable them to access the Internet.

[E/C.12/GRC/CO/2 \(CESCR 2015 \)](#)

[Access to the Internet](#)

43. The Committee expresses its concern about the limited access to the Internet among certain disadvantaged and marginalized groups (art. 15).

44. The Committee recommends that the State party continue to expand the availability of the Internet throughout the country, and that it facilitate access to the Internet, and to other scientific and technological advances, for disadvantaged and marginalized groups, in order to enhance their enjoyment of economic, social and cultural rights.

[E/C.12/MAR/CO/4 \(CESCR 2015 \)](#)

[Cultural rights](#)

49. The Committee takes note of the fact that the Amazigh language has been constitutionally recognized as an official language but finds it regrettable that the draft organic law to implement that recognition has not been adopted to date and that the Amazigh language is not taught at every level of education. The Committee remains concerned about the practical difficulties that the Amazigh community sometimes encounters in registering Amazigh first names and about the fact that very few programmes in Amazigh are shown on public television, despite the efforts of the State party. The Committee also expresses its concern at the fact that the Saharo-Hassani language and culture are not sufficiently supported. Lastly, it notes that considerable efforts are still required to ensure access to culture and science for all (art. 15).

50. The Committee recommends that the State party adopt the draft organic law on the recognition of the Amazigh language as one of the official State languages as soon as possible and redouble its efforts to provide primary, secondary and university education in Amazigh, increase the use of Amazigh on television and lay down definite regulations on the question of Amazigh first names. The Committee further recommends that the State party take measures to guarantee Amazighs and Sahraouis full and unrestricted enjoyment of their right to take part in cultural life. It also recommends additional measures to protect cultural diversity and permit Amazighs and Sahraouis to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs. Lastly, the Committee encourages the State party to continue to facilitate access to culture and science for all, including access to the Internet, particularly for persons with disabilities and the poorest sectors of the population. In this regard, the Committee invites the State party to refer to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

[E/C.12/IRL/CO/3 \(CESCR 2015 \)](#)

[Access to the Internet](#)

The Committee is concerned that people living in rural areas have limited access to broadband Internet (art. 15).

The Committee recommends that the State party intensify its efforts to expand broadband Internet access to rural areas.

[E/C.12/GMB/CO/1 \(CESCR 2015 \)](#)

[Internet access](#)

The Committee notes with concern that access to the Internet is limited to some urban areas (art. 15).

The Committee urges the State party to redouble its efforts to increase affordable access to the Internet in all areas, in particular for disadvantaged and marginalized individuals and groups.

[E/C.12/GTM/CO/3 \(CESCR 2014 \)](#)

[Internet access](#)

27. The Committee is concerned that, despite the State party's efforts in this connection, the access to and use of cyberspace by indigenous peoples remain limited.

The Committee recommends that the State party continue working to expand Internet access and that it redouble its efforts to set up educational and information centres focusing on the use of new technologies and the Internet, in particular for indigenous peoples.

[E/C.12/UZB/CO/2 \(CESCR 2014 \)](#)

The Committee recommends that the State party take all necessary measures to improve the quality of education, particularly in rural areas. It also recommends greater focus on gender balance, with a view to ensuring equal access to tertiary education. It encourages the State party to foster the promotion of minority languages and to ensure the provision of education in minority languages at all levels. It invites the State party to further invest in teacher training and expand Internet access across the country.

[E/C.12/DJI/CO/1-2 \(CESCR 2013 \)](#)

38. While commending the State party's efforts to promote solar energy, the Committee regrets that the majority of the population has yet to benefit from some of the scientific and technical advances that are required to ensure equal enjoyment of the rights provided for in the Covenant (art. 15).

The Committee urges the State party to facilitate access for disadvantaged and marginalized groups to electricity, including solar energy, and to the Internet and other scientific and technological advances conducive to enhancing their enjoyment of economic, social and cultural rights (art. 15, para. 1).

[E/C.12/ECU/CO/3 \(CESCR 2012 \)](#)

34. The Committee is concerned about the fact that, despite the State party's efforts to expand Internet access, the use of cyberspace and access to it remain limited.

The Committee recommends that the State party continue working to expand Internet access and that it redouble its efforts to set up educational and information centres focusing on the use of new technologies and the Internet.

[E/C.12/TKM/CO/1 \(CESCR 2011 \)](#)

29. The Committee regrets that access to various sources of culture is very limited and is also concerned about reports of censorship of electronic communication and blocking of Internet sites.

The Committee urges the State party to ensure free access to divers sources of information and to cease the practice of censorship of electronic communication and blocking of Internet sites thereby making the Internet available to all that desire it.

EXTRACTIVE ACTIVITIES

[E/C.12/SWE/CO/6 \(CESCR 2016 \)](#)

Sami land rights

13. The Committee is concerned that the Sami people still encounter obstacles to the full enjoyment of their indigenous rights that include access to their ancestral lands and maintenance of their traditional ways of living. This situation is exacerbated by the increase in extractive and development projects being carried out on or near to Sami lands (arts. 1 and 2).

14. The Committee recommends that the State party redouble its efforts to resolve the remaining disputes related to Sami lands. In particular, the Committee recommends that the State party:

...

(c) Ensure, in law and in practice, that the necessary efforts are made to obtain the free, prior and informed consent of all Sami people on decisions that affect them, and provide legal assistance in that regard;

(d) Review relevant legislation, policies and practices that regulate activities that may have an impact on the rights and interests of the Sami people, including development projects and the operations of extractive industries, and in particular the Minerals Act, the Minerals Strategy and the Environmental Code;

...

REPORTING & INFORMATION ON ARTICLE 15(1)(b) OF THE ICESCR

[E/C.12/KOR/CO/4 \(CESCR 2017\)](#)

: para. 68 The Committee encourages the State party to provide additional and more detailed information in its next periodic report with respect to the measures in place to ensure the right of everyone to benefit from scientific progress and its practical application, in line with article 15, paragraph 1(b), of the Covenant.

[E/C.12/SWE/CO/6 \(CESCR 2016 \)](#)

Cultural rights

47. The Committee regrets the lack of information on the right to enjoy the benefits of scientific progress and its applications (art. 15).

48. The Committee requests that the State party include in its next periodic report information on measures taken to guarantee the right of everyone to enjoy the benefits of scientific progress and its applications, in conformity with article 15, paragraph 1 (b), of the Covenant.

[E/C.12/FIN/CO/6 \(CESCR 2014 \)](#)

[Right to benefit from scientific progress](#)

The Committee requests the State party to provide information in its next periodic report on the implementation of its Open Science and Research initiative for the period 2014-2017, on how it will incorporate a human rights - based approach to ensure the enjoyment of the benefits of scientific progress and its applications in the State party, and on how the State party will carry out its international cooperation in this field .

[E/C.12/CZE/CO/2 \(CESCR 2014 \)](#)

[Cultural rights](#)

19. The Committee regrets that the lack of information on the enjoyment of the right to enjoy the benefits of scientific progress and its applications did not allow the Committee to assess the implementation of that right (art. 15, para. 1 (b)).

The Committee requests the State party to include in its next periodic report information on how it assures the fulfilment of the right to enjoy the benefits of scientific progress and its applications.

[E/C.12/MCO/CO/2-3 \(CESCR 2014 \)](#)

[Access to culture](#)

24. The Committee is concerned at the inadequacy of the measures taken by the State party to ensure full access to culture for disabled persons and persons with low incomes. It is also unclear as to the measures taken to ensure that the entire population enjoys the benefits of scientific progress and to protect the rights referred to in article 15, paragraphs 1 (b) and (c), of the Covenant.

The Committee recommends that the State party increase its efforts to ensure access to culture for all, particularly for persons with disabilities and those living on low incomes. It also recommends that the State party take measures to ensure that the entire population enjoys the benefits of scientific progress and to protect moral and material interests resulting from scientific production.

[E/C.12/CHN/CO/2 \(CESCR 2014 \)](#)

[Cultural rights and freedom of expression and information](#)

37. The Committee is concerned about the lack of information on measures taken by the State party to prevent limitations on freedom of information and expression in the State party which may hinder the realization of the right to take part in cultural life and to benefit from technological and scientific progress (art. 15).

The Committee reiterates its previous recommendation (E/C.12/1/Add.107, para. 68) and urges the State party to take effective measures to remove restrictions on freedom of expression and information in the State party, and to enable all persons under its jurisdiction to take part in cultural life, enjoy the benefits of scientific progress and its applications, and benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the authors.

[E/C.12/JPN/CO/3 \(CESCR 2013 \)](#)

The Committee thanks the State party for the information provided during the dialogue on the right to enjoy the benefits of scientific progress and its applications. In this context, the Committee requests the State party to include in its next periodic report more detailed information and specific examples on how this right is being implemented in practice (art. 15).

[E/C.12/ISL/CO/4 \(CESCR 2012 \)](#)

19. The Committee recommends that the State party take steps to ensure that all disadvantaged and marginalized groups and individuals, including persons with disabilities, as well as children from low-income families and migrant children, and older persons can fully enjoy their right to take part in cultural life. It recommends that this also include steps to ensure access to cultural events for persons with disabilities through sufficient and timely availability of their transport facilities. The Committee requests that the State party include in its next periodic report information on measures taken to guarantee the right of everyone to enjoy the benefits of scientific progress and its applications, in conformity with article 15, paragraph 1 (b) of the Covenant.

[E/C.12/ARG/CO/3 \(CESCR 2011 \)](#)

26. The Committee encourages the State party to provide additional and more detailed information in its next periodic report with respect to the measures in place to ensure the right of everyone to benefit from scientific progress and its practical application, in line with article 15, paragraph 1 (b), of the Covenant.

JUSTICIABILITY

[E/C.12/BFA/CO/1 \(CESCR 2016 \)](#)

[Justiciability of rights under the Covenant](#)

6. The Committee notes with concern the absence of express recognition in the Constitution or in domestic legislation of a number of rights under the Covenant, relating to housing, food and the promotion of national languages, among others, which reduces the protection of those rights. The Committee regrets the lack of information on cases in which the Covenant has been invoked before the domestic courts, even though the Constitution recognizes that international instruments ratified by Burkina Faso take precedence over domestic law (art. 2 (1)).

7. The Committee recommends that the State party incorporate all the rights set out in the Covenant into its Constitution and take the necessary measures to give effect to the Covenant in the internal legal order. It encourages the State party to raise awareness of the Covenant and its justiciability among judges, lawyers, public officials, other parties responsible for law enforcement and the general public and to establish an accessible and affordable judicial remedy. It also invites the State party to inform members of parliament about their role in the implementation of the Covenant. In that connection, the Committee would draw attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

PRIOR APPROVAL (ENVIRONMENTAL CLEARANCE) // HUMAN RIGHTS IMPACT ASSESSMENT

[E/C.12/GTM/CO/4 \(CESCR 2023\)](#)

: Right of indigenous peoples to prior consultation
-- before the granting of licences for the conduct of economic activities in territories that they have traditionally possessed, occupied or used;
-- conduct of independent studies of the potential social, environmental and human rights impact of economic or natural resource exploitation projects in the indigenous settlements concerned;

[E/C.12/SLV/CO/6 \(CESCR 2022\)](#)

1. (a) Strengthen its legislation and regulations, in accordance with its international human rights obligations, to ensure that urban development projects, transport and energy initiatives, landfills and other economic development activities undertaken by both national and international companies do not have an adverse effect on the enjoyment of economic, social and cultural rights";

...

(d) Take due account of the Committee's general comment No 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities and the reports of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes with respect to the right to science in the context of toxic substances and to the rights of workers in relation to occupational exposure to toxic substances."

[E/C.12/UZB/CO/3 \(CESCR 2022\)](#)

: Destruction of UNESCO world cultural heritage sites on account of urban development projects (art. 15);

: para. 57 The Committee recommends that the State party ensure that the management and development of world cultural heritage sites are in line with the best practices recommended by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Council on Monuments and Sites, including by providing for full participation of the local communities with a view to ensuring their well-being and with full guaranty of the enjoyment of their cultural rights."

: para. 58 (Digital Divide) limited access to the Internet, particularly for marginalized and disadvantaged groups;

-- adopt measures to ensure accessible and affordable Internet provision;

[E/C.12/CMR/CO/4 \(CESCR 2019\)](#)

Development projects

16. The Committee expresses its concern at the lack of effective instruments to ensure the protection of the rights set out in the Covenant when permits are being granted for projects for economic development or exploitation of natural resources. The Committee is concerned by reports regarding the negative impacts that some of these projects have on the traditional lifestyles of the relevant population groups, including indigenous peoples, and on their access to land, an adequate food supply and an adequate standard of living (arts. 1, 11 and 12).

17. The Committee recommends that the State party:

(a) Draw up clear guidelines and rules for evaluating the impact on the enjoyment of economic, social and cultural rights and the environmental impact of economic development and natural-resource exploitation projects in the State party, including those implemented by private actors, and, in particular, projects involving the territories and natural resources of indigenous peoples;

(b) Ensure that communities, including indigenous communities, that are affected by activities related to economic development or to the exploitation of natural resources on their territories are consulted, receive compensation for damages or losses and receive a share of the profits from those activities.

18. The Committee refers the State party to its general comment No. 24 (2017) on States' obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.

[E/C.12/RUS/CO/6 \(CESCR 2017\)](#)

: para. 14 "The Committee is also concerned at the limited prior consultation with indigenous peoples, especially in the context of extractive activities carried out on lands owned or traditionally used by them.

: para. 15(b) Take effective measures to ensure compliance with the requirement of free, prior and informed consent of indigenous peoples, notably in the context of extractive activities;

(c) "... strengthen the capacity of the State party to oversee extractive activities to ensure that they do not have a negative impact on the rights of indigenous peoples and their territories and natural resources;

(d) Conduct social, environmental and human rights impact assessments prior to granting licences for extractive activities and during operations;

[E/C.12/NAM/CO/1 \(CESCR 2016\)](#)

Human rights impact assessment

13. While noting the publication in 2012 of notice No. 29 listing the activities subject to environmental clearance, the Committee expresses concern at the absence of legislation requiring a human rights impact assessment to be conducted for activities such as waste management, mining and quarrying activities, land use and development activities, among others (art. 2 (1)).

[E/C.12/PHL/CO/5-6 \(CESCR 2016\)](#)

: para. 14(e) Ensure that the free, prior and informed consent of the indigenous peoples concerned is obtained before granting licences to private companies; and that indigenous peoples are represented by their own chosen representatives on local decision-making bodies, such as local mining boards and development units;

[E/C.12/VNM/CO/2-4 \(CESCR 2014 \)](#)

[Impact of development programmes, such as sedentarization and land revocation](#)

The Committee is concerned at the adverse impact of development programmes, such as sedentarization and land revocation, on the enjoyment of economic, social and cultural rights by ethnic minorities. In particular, the Committee is concerned that:

- (a) Laws and regulations governing land revocation and sedentarization fall short of international standards;
- (b) Individuals and communities affected by development programmes have not obtained fair compensation for seized lands, while some have not been adequately resettled;
- (c) Resettled individuals and communities have encountered difficulties in finding an alternative livelihood;
- (d) Sedentarization policies have not taken into account the negative impact on the cultural rights of ethnic minorities (arts. 11 and 15).

[E/C.12/VNM/CO/2-4 \(CESCR 2014 \)](#)

[Cultural rights of ethnic minorities](#)

The Committee expresses concern at the State party's policy of phasing out certain traditional cultural values of ethnic minorities which it considers "obsolete", and attempting to replace them with new cultural policies premised on objectives of socio-economic stability and development. Moreover, the Committee is concerned at the adverse impact of commercial tourism on the cultural activities of ethnic minorities, such as the Bay Nui bull race and the Dragon Boat race (art. 15).

The Committee urges the State party to refrain from submitting cultural policies to development objectives and to fully respect the right of ethnic minorities to take part in their cultural activities and to conserve, promote and develop their own culture. Limitations to this right should be restricted to negative practices which infringe upon other human rights. Moreover, the Committee recommends that the State party ensure that ethnic minorities are fully involved in decision-making processes regarding the economic exploitation of their cultural heritage and that they obtain tangible benefits from these activities. In that regard, the Committee draws the State party's attention to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

[E/C.12/GTM/CO/3 \(CESCR 2014 \)](#)

[Consultation of indigenous peoples](#)

7. The Committee takes note of the State's intention to establish a legal mechanism to conduct free and informed prior consultation of indigenous peoples in respect of all matters of concern to them, in keeping with the recent decisions of the Constitutional Court, which have reasserted the duty of the State party to consult the indigenous peoples. It is in particular concerned that the indigenous peoples are still not effectively consulted, nor is their free, prior and informed consent obtained in the decision-making process concerning the exploitation of the natural resources within their traditional lands. The Committee is also concerned that the indigenous peoples did not participate in the debate over the reform of the Mining Act (arts. 1, 2 and 15).

The Committee urges the State party, in connection with the exploration and exploitation of mining resources and hydrocarbons, to adopt expeditious measures to carry out consultations to allow free expression of consent to the desirability of such projects, sufficient time and opportunity to reflect and take a decision, together with measures to preserve cultural integrity and provide reparation, where necessary. In this respect, the Committee recommends that the State party urgently establish a legal mechanism for conducting such consultations, in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and with the United Nations Declaration on the Rights of Indigenous Peoples. It also recommends that the State party revise the legislative and institutional provisions relating to projects for the exploitation of natural resources, in consultation with the indigenous peoples, and that it strengthen its capacity to oversee extractive industries and ensure that they do not have a negative impact on the rights of indigenous peoples, their territory and their natural resources.

[E/C.12/IDN/CO/1 \(CESCR 2014 \)](#)

[Mining and plantations sectors](#)

27. The Committee expresses concern at violations of human rights in the mining and plantations sectors, including the right to livelihood, the right to food, the right to water, labour rights and cultural rights. It is also concerned that the free, prior and informed consent of affected communities is not always sought in these projects, including under Law 25/2007 on Investment. Moreover, even in cases where consultations of affected communities have taken place, their informed decisions have not been guaranteed.

[E/C.12/SLV/CO/3-5 \(CESCR 2014 \)](#)

[Right to land and natural resources](#)

27. The Committee is concerned that the State party has no legal mechanism for recognizing the right of the indigenous peoples as such to acquire collective title to land. It is also concerned that there is no systematic procedure for effective consultation and obtaining the indigenous peoples' free, prior and informed consent in decisions concerning the exploitation of natural resources in their ancestral lands. The Committee is particularly concerned that ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries has still not been ratified (arts. 1, 2 and 15).

The Committee recommends that the State party create mechanisms for recognizing the indigenous peoples' rights to their ancestral lands and natural resources. The Committee also urges the State party to engage in consultations regarding mining and hydrocarbon resource exploration and development that allow the peoples concerned to give their free consent. It also recommends that the State party expedite its accession to ILO Convention No. 169, and encourages the State party to step up its efforts to promote and apply the principles enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

Masyarakat Hukum Adat

38. The Committee is concerned at the absence of an effective legal protection framework of the rights of *Masyarakat Hukum Adat* due to inconsistencies in relevant legislative provisions (arts.15 and 2.1).

Referring to the State party's statement that it would make use of relevant principles contained in the United Nations Declaration on the Rights of Indigenous Peoples, the Committee urges the State party to expedite the adoption of the draft law on the rights of *Masyarakat Hukum Adat* and ensure that it:

- (a) Defines *Masyarakat Hukum Adat* and provides for the principle of self-identification, including the possibility to self-identify as indigenous peoples;
- (b) Effectively guarantees their inalienable right to own, develop, control and use their customary lands and resources;
- (c) Define strong mechanisms for ensuring the respect of their free, prior and informed consent on decisions affecting them and their resources, as well as adequate compensation and effective remedies in case of violation.

The Committee also recommends that the State party undertake to harmonize existing laws according to the new law on the rights of *Masyarakat Hukum Adat* and ratify the ILO Convention on Indigenous and Tribal Populations, 1989 (No. 169).

39. The Committee is concerned at provisions of recently adopted Law No.18/2013 on Prevention and Eradication of Forest Destruction as well as other laws in force in the State party which contravene the Decision 35/PUU-X/2012 of the Constitutional Court on the right of ownership of customary forests by *Masyarakat Hukum Adat*. It is further concerned that, while the State party has granted concessions on forested land to develop palm oil plantations, members of *Masyarakat Hukum Adat* have reportedly been arrested on the basis of the Law No.18/2013 (arts.15 and 1.2).

The Committee recommends that, as a priority for the implementation of the Plan of Action of the Joint Agreement for the Acceleration in the Determination of Forest Regions, the State party:

- (a) Amend all legislative provisions which are incompatible with the Constitution Court Decision 35/PUU-X/2012, including those contained in the Law 18/2013 on Prevention and Eradication of Forest Destruction, and take steps for the review of decisions against members of *Masyarakat Hukum Adat* based thereon; and
- (b) Identify and demarcate customary lands and forests, resolve disputes thereon, in consultation with representatives of *Masyarakat Hukum Adat* and the national human rights institutions .

[E/C.12/KWT/CO/2 \(CESCR 2013 \)](#)

31. Noting that the State party has taken steps for the protection of the archaeological sites on Failaka Island, the Committee is nevertheless concerned at the risk posed by development projects to the preservation of other archaeological sites in the State party. The Committee is also concerned at reports of limited access to cultural goods such as historical sites and artifacts (art. 15).

The Committee recommends that the State party take measures for the proper implementation of relevant laws and regulations aimed at the protection of historical sites, and undertake systematic assessment of the impact of development projects on their conservation. The Committee also recommends that the State party facilitate and promote effective access to the State party's cultural heritage by the general population.

[E/C.12/TZA/CO/1-3 \(CESCR 2012 \)](#)

The Committee recommends that the State party take legislative and other measures to protect, preserve and promote the cultural heritage and traditional ways of life of vulnerable communities , such as hunter-gatherer and pastoralist communities. It recommends that it ensure their meaningful participation in the debates related to nature conservation, commercial hunting, tourism and other uses of the land, based on free, prior and informed consent.

[E/C.12/ETH/CO/1-3 \(CESCR 2012 \)](#)

24. The Committee is concerned that the construction and operation of the Gilgel Gibe III hydro-electric dam will have a significant negative impact on the traditional practices and means of subsistence of indigenous peoples who rely on the Omo River, potentially endangering local food security (art. 11).

The Committee recommends that the State party continue to identify and address the adverse social and environmental impact of the Gibe III dam. The Committee also urges the State party to initiate , prior to construction of hydro-electric projects, comprehensive impact assessments as well as extensive consultations with affected communities, involving genuine opportunities to present views and influence decision-making.

[E/C.12/ARG/CO/3 \(CESCR 2011 \)](#)

10. The Committee is concerned about cases in which the increased use of chemical pesticides and transgenic soya seeds in regions traditionally inhabited or used by indigenous communities have negatively affected these communities. It worries the Committee that these communities find it increasingly difficult to apply their traditional farming methods, and that as a consequence, this may become an important obstacle to the access to safe, adequate and affordable food. The Committee also notes with concern the scale of deforestation, which has forced indigenous peoples to leave territories traditionally occupied or used by them, and in spite of Act No. 2633 on forest protection. The Committee is further concerned about the fact that the aforementioned activities are often carried out without an effective prior consultation with the affected groups of the population (arts. 1, 11, 12 and 15).

The Committee urges the State party to ensure that the means of subsistence of indigenous communities and their enjoyment of economic , social and cultural rights are effectively protected , and to develop institutional and procedural guarantees to ensure the effective participation of indigenous communities in decision-making on issues that affect them. The Committee also recommends that the State party ensure the full implementation of Act No. 2633 and other legislation regarding the protection of the non-renewable resources of the State party with a view to combating deforestation.

[E/C.12/ARG/CO/3 \(CESCR 2011 \)](#)

The Committee recommends that the State party provide, in its next periodic report, comprehensive information about specific and effective measures, including legislation , to acknowledge and protect the traditional knowledge and cultural heritage of indigenous peoples, including their ancestral lands , in line with the Committee's general comment s No. 17 (2005) on the right of everyone 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 and No. 21 (2009) on the right of everyone to take part in cultural life .

[E/C.12/TUR/CO/1 \(CESCR 2011 \)](#)

26.The Committee is deeply concerned at the potential impact of the Ilisu dam under construction and other dams on the enjoyment of economic, social and cultural rights in the areas concerned, especially with regard to forced evictions, resettlements, displacement, and compensation of people affected, as well as at the environmental and cultural impact of the construction of these dams (arts. 11, 12 and 15).

The Committee urges the State party to take account of a human-rights based approach in its infrastructure development projects, especially dams, and to undertake a complete review of its legislation and regulations on evictions, resettlement and compensation of the people affected by these construction projects, especially the Ilisu dam , in line with the Committee's general comment No. 7 (1997) on forced evictions .

[E/C.12/TCD/CO/3 \(CESCR 2009 \)](#)

c) system of exploitation of natural resources in the State party, which adversely affects the land and the way of life of indigenous peoples, depriving them of rights related to their ancestral land and cultural identity

[E/C.12/PHL/CO/4 \(CESCR 2008 \)](#)

c) adverse effects that economic activities connected with the exploitation of natural resources, especially mining operations, carried out in indigenous territories continue to have on the right of indigenous peoples to their ancestral domains, lands and natural resources, as recognized in the 1997 Indigenous Peoples Rights Act (IPRA) c) the conflict of laws between the 1995 Mining Act and IPRA, and notes in particular that section 56 of the IPRA, which provides for the protection of property rights already existing within the ancestral domains, de facto risks to undermine the protection of the rights recognized to indigenous peoples under the Act. (arts. 1, 11, 12 and 15)

r) fully implement the 1997 Indigenous Peoples Rights Act (IPRA), in particular by ensuring the effective enjoyment by indigenous peoples of their rights to ancestral domains, lands and natural resources, and avoiding that economic activities, especially mining, carried out on indigenous territories adversely affect the protection of the rights recognized to indigenous peoples under the Act

HEALTH SCIENCES & APPLICATIONS

[E/C.12/NAM/CO/1 \(CESCR 2016 \)](#)

Right to health

64. While noting with appreciation the statement by the delegation that no one could be refused health-care services because of an inability to pay, the Committee is nonetheless concerned at high maternal and infant mortality rates among low-income groups. Moreover, the Committee expresses concern at the limited availability of health services in rural and remote areas, in spite of improvement in access achieved during recent years. The Committee also expresses concern at the inequality in access to quality health services, with services of better quality in private facilities (art. 12).

65. The Committee recommends that, while implementing the National Health Policy Framework 2010-2020, the Namibia Child Survival Strategy 2014-2018 and other relevant policies, the State party:

(a) Ensure that the increase in the allocation and use of funding to improve access to the health system bridges the gap in health outcomes, such as declining infant and maternal mortality rates, between the wealthiest and the most disadvantaged groups;

(b) Invest in improving access to quality health services, including secondary health care, for those in rural and remote areas.

PARTICIPATION IN SCIENCE

[E/C.12/COL/CO/6 \(CESCR 2017\)](#)

: para. 67 The Committee regrets that the participation of women in the scientific sphere in the State party remains low and that there is little information on the practical measures adopted to remedy that situation (art. 15).

: para. 68 The Committee recommends that the State party adopt the necessary measures to facilitate and ensure women's access to and participation in the scientific sphere and requests it to include it in its next periodic report information on the results yielded by those measures.

[E/C.12/SDN/CO/2 \(CESCR 2015 \)](#)

Right to take part in cultural life

56. Recalling its obligation under article 15 of the Covenant, the Committee recommends that the State party fully respect the freedom indispensable for the enjoyment of the right to take part in cultural life, especially freedom of expression, opinion and creation, as well as publication, in the press, in print and on the Internet. The Committee refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

[E/C.12/AUT/CO/4 \(CESCR 2013 \)](#)

23. While noting the policy measures taken by the State party to promote the presence of girls and women in vocational fields that have traditionally been dominated by men, the Committee is concerned at the low level of participation of women in higher education courses in science, technology, engineering and mathematics, as well as in associated professions (arts. 3, 6, 13 and 15).

The Committee recommends that the State party intensify its efforts, including through temporary special measures, to increase the participation of women in higher educational courses in science, technology, engineering and mathematics, as well as its related professions. In this regard, the Committee also encourages the State party to actively seek, promote and exchange good practices at the international level, including at forums convened by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

FREEDOM OF EXPRESSION & SCIENCES

[E/C.12/VEN/CO/3 \(CESCR 2015 \)](#)

[Cultural rights and freedom of expression and information](#)

31. The Committee is concerned at the lack of information on the steps taken to prevent limitations on the exercise of the freedom of information and expression, which is a vital component of the right to participate in cultural life, and to benefit from technological and scientific progress (art. 15).

The Committee urges the State party to adopt effective measures to remove restrictions on the freedom of expression and information in the State party and to enable all persons under its jurisdiction to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

OPEN SCIENCE

[E/C.12/FIN/CO/6 \(CESCR 2014 \)](#)

[Right to benefit from scientific progress](#)

The Committee requests the State party to provide information in its next periodic report on the implementation of its Open Science and Research initiative for the period 2014-2017, on how it will incorporate a human rights - based approach to ensure the enjoyment of the benefits of scientific progress and its applications in the State party , and on how the State party will carry out its international cooperation in this field .

SCIENTIFIC DEVELOPMENT FINANCE

[E/C.12/FIN/CO/7 \(CESCR 2021\)](#)

: para. 9 "... Make every effort to exercise its leverage in the regional and international organizations of which it is a member to advocate for universal, equitable and affordable access to COVID-19 vaccines and drugs, which should include the possibility of supporting the proposals made at the World Trade Organization to establish a temporary waiver for some intellectual property rights for vaccines, as least for as long as the pandemic continues. ... "

[E/C.12/KAZ/CO/2 \(CESCR 2019\)](#)

Right to education

48. While recognizing the efforts made by the State party to ensure universal access to education and to improve its quality, the Committee remains concerned about reports that:

- (a) A significant number of children do not have access to early education and that there are large regional disparities in access to and the quality of education;
- (b) Corruption remains prevalent in the education system, in particular in cases involving persons seeking to obtain enrolment or higher grades;
- (c) The quality of education remains low (according to results obtained by the Programme for International Student Assessment) in relation to the level of development owing to shortcomings in infrastructure and an insufficient number of qualified teachers;

...

49. The Committee recommends that the State party:

- (a) Strengthen public education, including by increasing the budget allocated to early primary and secondary education with a view to improving access to and the quality of education at all levels for all; and increase enrolment rates at all levels of education, paying special attention to girls, children living in rural areas and children from low-income families;
- (b) Continue its efforts to put an end to corruption in educational institutions by, inter alia, establishing transparent enrolment systems, ensuring visible channels for reporting corruption and conducting efficient investigations into cases of alleged corruption;
- (c) Improve the quality of education, and expand investment in infrastructure and teacher training;

...

[E/C.12/MNE/CO/1 \(CESCR 2014\)](#)

Cultural rights

The Committee regrets the low proportion of the State budget that is allocated for scientific development and the promotion and protection of cultural rights. It is also concerned at the lack of an independent oversight mechanism for the Fund for Minorities to oversee the implementation of activities and the allocation of funds (art. 15).

The Committee recommends that the State party consider increasing the budget allocated for scientific development and the promotion and protection of cultural rights. It also encourages the State party to establish an effective oversight mechanism for the Fund for Minorities to oversee the implementation of activities and the allocation of funds.

[E/C.12/ARM/CO/2-3 \(CESCR 2014 \)](#)

23. The Committee is concerned about the limited public expenditure on science and research, and the decrease in the number of women scientists (art. 15).

The Committee recommends that the State party increase public expenditure on science and research.

[E/C.12/LTU/CO/2 \(CESCR 2014 \)](#)

[Access to the Internet](#)

25. While noting that more than 60 per cent of the population has access to the Internet, the Committee expresses its concern that, among marginalized and vulnerable groups and in rural areas, such access is limited (art. 15).

The Committee recommends that the State party continue to expand the availability of the Internet throughout the country, and that it facilitate access to the Internet, and to other scientific and technological advances, for disadvantaged and marginalized groups, in order to enhance their enjoyment of economic, social and cultural rights.

[E/C.12/COG/CO/1 \(CESCR 2013 \)](#)

12. The Committee is concerned about the fact that the development of the country's oil resources has not had the effect that it would be expected to have in terms of the enjoyment of economic, social and cultural rights.

The Committee requests the State party to provide information on the steps taken to maximize the benefits derived from oil production in terms of the population's enjoyment of economic, social and cultural rights and specifically of the right to work, the right to health, the right to an adequate standard of living and the right to education. The initial report should also contain information on the mechanisms in place to ensure that the revenues from the development of natural resources in the State party are managed in a transparent manner.

[E/C.12/ESP/CO/5 \(CESCR 2012 \)](#)

29. The Committee is concerned that, in the context of the economic and financial crisis, budget cuts are a threat to the maintenance and development of creative and research capacity in the State party, as well as to opportunities for all individuals and communities to have effective access to take part in cultural life (art. 15).

The Committee recommends that the State party strengthen all currently existing measures and adopt any additional ones necessary to ensure the fullest possible enjoyment of the cultural rights enumerated in article 15 of the Covenant.

[E/C.12/ETH/CO/1-3 \(CESCR 2012 \)](#)

28. The Committee recommends that the State party provide in its next periodic report detailed information on the legislative and other measures it has taken to protect the traditional knowledge of indigenous communities, including the establishment of the appropriate Fund.

[E/C.12/LVA/CO/1 \(CESCR 2008 \)](#)

w) various initiatives taken by the State party to support the development of an active cultural life in Latvia, through, inter alia, the national programme "Culture" and the Culture Capital Foundation

FREEDOM OF CREATIVE ACTIVITY // SCIENTIFIC FREEDOM

[E/C.12/BHR/CO/1 \(CESCR 2022\)](#)

: State party should respect the freedom indispensable for creative activity, including by ensuring that forms of censorship do not duly (*sic*) limit it;

[E/C.12/BLR/CO/7 \(CESCR 2022\)](#)

: para. 46 "... respect the freedom indispensable for creative activity

[E/C.12/CAF/CO/1 \(CESCR 2018\)](#)

: para. 42 "The Committee recommends that the State party take all the necessary measures to ensure that journalists, radio broadcasters and bloggers can contribute to a culture of peace and religious and cultural tolerance, under conditions that guarantee their safety.

[E/C.12/LBN/CO/2 \(CESCR 2016\)](#)

Freedom for creative activity

66. While noting the information provided by the delegation about freedom of expression and the support given to creative activities in the State party, the Committee is concerned at some restrictions imposed on cultural activities.

67. The Committee recommends that the State party respect the freedom indispensable for creative activity, including by ensuring that it is not unduly limited by forms of censorship. The Committee draws the attention of the State party to paragraphs 17 to 20 of its general comment No. 21.

[E/C.12/VNM/CO/2-4 \(CESCR 2014\)](#)

Artistic freedom

The Committee is concerned at censorship enforced in the State party which infringes upon artistic freedom. The Committee is further concerned at reports of arrests and detention of bloggers under Decree 72 of 15 July 2013 (art. 15).

Recalling the State party's obligation under article 15, paragraph 3, of the Covenant to respect the freedom indispensable for creative activity, the Committee urges the State party to abolish censorship of cultural activities and other forms of expression. Moreover, the Committee calls upon the State party to bring restrictions on freedom of expression into line with international standards, including by abolishing related prison sentences.

[E/C.12/AZE/CO/3 \(CESCR 2013\)](#)

24. The Committee is concerned about the persecution and lack of protection for several artists and writers in exercising their right to fully take part in cultural activities. The Committee is also concerned about the use of hate speech and behaviours against them (art. 15).

The Committee urges the State party to fulfil its commitment to guarantee the security of artists and writers and to cease detention and to take the necessary measures to prevent their social persecution in connection with their creative work, to guarantee adequate protection from threats and to prohibit the use of hate propaganda.

[E/C.12/CZE/CO/3 \(CESCR 2022\)](#)

: legislation on scientific research is not aligned with international standards (art. 15)
: para. 51 (c) Amend the legislation on scientific research to introduce the obligation that research data should generally be published upon request if no conflicting interests exist, and in compliance with the principles for scientific data management.

DUTY TO REMEDY MASS HARM / DISORDERS

[E/C.12/SLV/CO/3-5 \(CESCR 2014\)](#)

Right to enjoy the benefits of scientific progress

28. The Committee is concerned that scientific attempts to determine the causes of chronic kidney disease of unknown cause (CKDu), which has caused more than 5,000 deaths in the State party, notably among agricultural workers in the sugar cane sector, have as yet proved inadequate and have yielded no satisfactory results (art. 15, para. 1 (b)).

The Committee urges the State party to work with neighbouring countries, international bodies and international cooperation and increase the scientific resources needed to carry out independent research into this condition and its causes and then to use that knowledge to prevent and cure it, thereby enabling those affected to enjoy the benefits of scientific progress.

PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

[E/C.12/ECU/CO/3 \(CESCR 2012\)](#)

35. The Committee is concerned that, despite the State party's efforts to combat piracy and intellectual property abuses, the sale and purchase of pirated products are common place.

The Committee recommends that the State party redouble its efforts to combat piracy and intellectual property offences. The Committee also recommends that the State party reinforce its national anti-piracy plan by entering into more agreements with corporate licensees.

[E/C.12/EST/CO/2 \(CESCR 2011 \)](#)

The Committee encourages the State party to take measures to promote the realization of the right of everyone to take part in cultural life, including by ensuring that access to cultural goods is facilitated , particularly for disadvantaged and marginalized individuals and groups.

[E/C.12/ARG/CO/3 \(CESCR 2011 \)](#)

The Committee recommends that the State party provide, in its next periodic report, comprehensive information about specific and effective measures, including legislation , to acknowledge and protect the traditional knowledge and cultural heritage of indigenous peoples, including their ancestral lands , in line with the Committee's general comments No. 17 (2005) on the right of everyone 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 and No. 21 (2009) on the right of everyone to take part in cultural life .

[E/C.12/RUS/CO/5 \(CESCR 2011 \)](#)

While noting the information on measures undertaken in the State party to ensure full enjoyment and access of cultural and leisure facilities for everyone, the Committee is concerned that some of these facilities are not fully accessible for persons with disabilities. The Committee is also concerned about the lack of adequate protection in the legal system of the State party of the right of indigenous peoples in the north, Siberia and the far east, to their ancestral lands and to the traditional use of their natural resources. It is also concerned about the lack of adequate protection of their intellectual property rights and of information on intellectual property rights(art. 15).

The Committee urges the State party to extend its programme of creating a barrier - free , accessible environment to cover cultural and leisure facilities. The Committee further recommends that the State party include in the new drafts of law being developed clear and precise norms for the effective protection of the right of indigenous peoples in the north , Siberia and the far east , to their ancestral lands, natural resources and cultural heritage, including protection of their intellectual property rights to their works which are an expression of their traditional culture and knowledge.

[E/C.12/COL/CO/5 \(CESCR 2010 \)](#)

The Committee is concerned that bilateral and multilateral trade agreements signed by the State party may affect the enjoyment of economic, social and cultural rights, in particular of disadvantaged and marginalized groups, such as indigenous and Afro-Colombian peoples and persons living in rural areas. The Committee is also concerned that the free trade agreement signed between the State party and the United States of America contains provisions on intellectual property that may result in increase of prices of medicines and negatively impact on the enjoyment of the right to health, in particular of those with low income (arts. 1, 12).

The Committee recommends that the State party take effective measures to ensure that economic, social and cultural rights are taken into account in all free trade and bilateral and multilateral trade agreements, and develop effective policies to protect the rights of the population, in particular the marginalized and disadvantaged groups, against the negative impact of such agreements. In this regard, the Committee recommends that the State party consider revising the intellectual property provisions of the free trade agreement signed with the United States, in order to ensure protection against the increase of the price of medicines, in particular for those with low income.

[E/C.12/AUS/CO/4 \(CESCR 2009 \)](#)

r) the State party: - strengthen the efforts to guarantee the indigenous peoples' rights under articles 1 and 15 to enjoy their identity and culture, including through the preservation of their traditional languages - consider improving the Maintenance of Indigenous Languages and Records Program - preserve and promote bilingual education at schools - reform the Copyright Act 1986 to extend its legal protection to indigenous people - develop a special intellectual property regime that protects the collective rights of indigenous peoples, including protection of their scientific products, traditional knowledge and medicine r) a registry of intellectual property rights of indigenous peoples be opened and that the State party ensure that the profits derived thereof benefit them directly

[E/C.12/BOL/CO/2 \(CESCR 2008 \)](#)

c) collective rights of indigenous peoples, in particular the right to receive the profits derived from the products they create, including traditional medicine, are not duly protected in Bolivia
r) develop a special intellectual property regime that protects the collective rights of the indigenous peoples, including their scientific products and traditional knowledge and traditional medicine r) to this end, a registry of intellectual property rights of indigenous peoples should be opened and ensure that the profits derived therefrom benefit them directly