

**Advancing knowledge-led  
development through the  
right to science in Africa**

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# A HUMAN RIGHT APPROACH TO SCIENCE AND ITS IMPLICATIONS FOR AFRICA

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## A human rights approach to science policy/advocacy

1. Assess the status quo (what is the right to science?)
2. Discuss opportunities that a human rights approach to science offers to science policy/advocacy, particularly in Africa

## Human Right to Science (art. 15, ICESCR)

### 2. Benefit sharing



1. The States Parties to the present Covenant recognize **the right of everyone [...] to enjoy the benefits of scientific progress and its applications [...]**

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

### 1. Scientific freedom



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.

## What is the human right to science?

## Article 15 ICESCR

Two primary obligations

1. Respect scientific freedom
2. Ensure benefit sharing (“everyone’s access to benefits of scientific advancements”)
3. Taking necessary steps for the conservation, the development and the diffusion of science
4. Recognition of the value of international contacts and co-operation

Reinforced and specified

With

## Limitations to the Human Right to Science (art. 4, ICESCR)

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are **determined by law** only in so far as this may be **compatible with the nature of these rights** and solely for the purpose of **promoting the general welfare in a democratic society**.

### (art. 5.1, ICESCR)

Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

## Sources of normative content of Article 15

Soft law sources:

1. Venice Statement (2009)
2. UNESCO Declarations (1997, 2002, 2005, 2017)
3. Special Rapporteur (2012)

- + State practices (CESCR's monitoring reports and decisions in individual communications)
- + CESCR's General Comment on science and human rights (2020?)



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## Translating the duties of Article 15

As they are written, the obligations set by article 15 are **general**. They must be translated into **specific duties**

This process is ongoing and incomplete (particularly underdeveloped)

□ limitation but also an opportunity for science policy/advocacy



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## A human rights approach to science policy/advocacy

### Background

- Normative content is underdeveloped
- Regional/domestic instruments are not very helpful

**Yet**, invoking human rights is beneficial to the development of science policy and science advocacy in Africa.

The benefits stem both from deploying the approach internally (**inward path**), at the domestic level, and externally, at the international level (**outward path**)



## Regional and domestic instruments

*Regional instrument do not codify the right to science **in full***

*No constitution codifies the right in full*

Various constitutions protect specific aspects of this right

- protection of scientific freedom
- promotion of scientific research and infrastructure development
- Right to participate in cultural life

Ethiopia, Art. 91.3: “...duty, to the extent its resources permit, to **support the development of the arts, science and technology**”

## A human rights approach to science policy/advocacy

### Inward path

Article 15 sets general principles for science policy

Research freedom as **default**

- Limitations only by law and when necessary

Access to benefits

- For “everyone”
- Mandates efforts to **translate** scientific knowledge into applications (domain of other rights)

## A human rights approach to science policy/advocacy

### Outward path

Article 15 codifies benefit global sharing obligations

Principle that knowledge producing countries owe duties to knowledge consuming countries

- (1) Sharing benefits (data, information, and knowledge oriented, basic as well as oriented towards application)
- (2) Involving countries in knowledge production
- (3) Supporting less developed countries right to become knowledge producers

## A human rights approach to science policy/advocacy

### Outward path

Article 15(4) translates into an obligation to provide “direct aid, financial and material, as well as the development of international collaborative models of research and development for the benefit of developing countries and their populations (Shaheed 2012, para 68).

## A human rights approach to science policy/advocacy

### Outward path

During the drafting of the ICESCR, Mr. Chaudhuri (Pakistan) said, “great efforts” should be made nationally and internationally “in order that countries where science had made little progress might attain the goals set forth in the proposed provision.”

- recognition of science as a **global good**