



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2001/L.87
20 April 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Agenda item 17

PROMOTION AND PROTECTION OF HUMAN RIGHTS

**Bangladesh*, Belgium, Cuba, Democratic Republic of the Congo, Germany,
Monaco*, Portugal, Romania, San Marino*, Slovenia*, South Africa, Spain:
draft resolution**

2001/... Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics concerning the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States parties are obliged to protect children against any form of violence,

Aware that the rapid development of the life sciences opens up tremendous prospects for the improvement of the health of individuals and mankind as a whole, but also that certain practices may pose dangers to the integrity and dignity of the individual,

Seeking therefore to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Referring to the Universal Declaration on the Human Genome and Human Rights adopted on 11 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization and to General Assembly resolution 53/152 of 9 December 1998 endorsing the Declaration,

Referring also to resolution 29 C/17 on implementation of the Declaration adopted by the United Nations Educational, Scientific and Cultural Organization, and recalling that in accordance with that resolution member States are urged to keep the Director-General regularly informed of all measures they have taken to implement the principles set forth in the Declaration,

Recalling that article 1 of the Declaration states the principle that the human genome underlies the fundamental unity of all members of the human family, as well as the recognition of their inherent dignity and diversity,

Recalling also that article 10 of the Declaration affirms that no research or research applications concerning the human genome, in particular in the fields of biology, genetics and medicine, should prevail over respect for the human rights, fundamental freedoms and human dignity of individuals or, where applicable, of groups of people,

Recalling further the decision taken on 7 May 1998 whereby the Executive Board of the United Nations Educational, Scientific and Cultural Organization established the International Bioethics Committee, with the functions of reflecting on the ethical and legal issues raised by research in the life sciences, making recommendations to the General Conference and giving advice concerning the follow-up to the Declaration by identifying practices that could be contrary to human dignity,

Recalling its resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993, 1997/71 of 16 April 1997 and 1999/63 of 28 April 1999,

Referring to the United Nations Millennium Declaration which affirms the resolve to ensure free access to information on the human genome sequence,

Referring also to resolution 1997/42 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding this question,

Recalling the adoption by the Council of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Convinced of the need to develop a life sciences ethic at the national and international levels, and recognizing the need to develop international rules and cooperation in order to ensure that mankind as a whole benefits from the use of the life sciences and to prevent them from being used for any purpose other than the good of mankind,

1. *Takes note* of the report of the Secretary-General (E/CN.4/2001/93);
2. *Expresses its appreciation* to the Governments that have responded to the request for information formulated by the Commission on Human Rights in its resolution 1999/63 of 28 April 1999 and invites the Governments which have not yet responded to do so;
3. *Reaffirms* the importance of receiving answers from the organizations and specialized agencies of the United Nations and invites the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and the other United Nations bodies and specialized agencies concerned to report to the Secretary-General on the activities conducted in their respective areas to ensure that the principles set forth in the Universal Declaration on the Human Genome and Human Rights are taken into account;

4. *Invites* the Secretary-General to draw up proposals, on the basis of these contributions and for consideration by the General Assembly at its fifty-sixth session, concerning ways to ensure proper coordination of activities and thinking on bioethics throughout the United Nations system and to consider establishing a working group of independent experts from, *inter alia*, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Intellectual Property Organization, which would reflect, in particular, on the possible follow-up to the Universal Declaration on the Human Genome and Human Rights and report to the Secretary-General within a period to be determined by him;

5. *Invites* the United Nations High Commissioner for Human Rights to pay all due attention to this question within her area of competence;

6. *Draws the attention* of Governments to the importance of research on the human genome and its applications for the improvement of the health of individuals and mankind as a whole, to the need to safeguard the rights of the individual and his/her dignity, as well as his/her identity and unity, and to the need to protect the confidentiality of genetic data concerning a named person;

7. *Invites* Governments to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications, and also invites them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions;

8. *Requests again* the Sub-Commission on the Promotion and Protection of Human rights to consider what contribution it can make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights and to report on this matter to the Commission at its fifty-ninth session;

9. *Requests* the Secretary-General to submit a report based on these contributions for consideration by the Commission at its fifty-ninth session.
