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HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization in consultative status (roster).

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

9 January 1979

SOME RECENT DEVELOPMENTS IN TECHNOLOGY INVOLVING
THE RIGHTS OF THE CHILD, AND THEIR IMPLICATIONS

A. THE IMPORTANCE OF HUMAN RIGHTS ISSUES ARISING FROM PURE AND APPLIED SCIENCE

1. The International Humanist and Ethical Union believes that the many-sided human rights implications arising from rapid advances in science and technology have to be seen as a major source of continuing concern in the Commission's work, impinging as they do on developed and developing countries alike. Any loss of impetus in building on the foundations already well laid in this field could only be deplored as short-sighted since it would mean the shirking of a vital responsibility.
2. In today's realm of applied science the ultimate focus of human rights concern must surely be the integrity of the individual human personality both actual and potential - whether as child, as adult contributor to society or elder citizen, or as the member of a generation yet to come. For, despite all appearances to the contrary, it is argued here that human society is quite literally an interdependent community not merely in space but also in time, so that the rights of future citizens have to be weighted far more heavily than is now being done against purely commercial and self-interest criteria in summing the relative costs and benefits of today's acts or policies. Such a calculation would certainly invalidate some unsure estimations of hazard used to justify current capital expenditure on advanced technology though it need not affect at all the advance of scientific research.
3. The International Humanist and Ethical Union would like first to submit for the Commission's consideration two proposals bearing on distinct but specific developments in the field of science and technology that have either occurred or been reported on during the past year, both of which raise important human rights problems that it would seem appropriate for the Commission to tackle under this part of its work programme and both of which have clear though by no means exclusive implications for the rights of the child.

B. LABORATORY FERTILIZATION OF HUMAN OVA, WITH IMPLANTATION

4. The first successful use of this technique, at Oldham, Great Britain on 25 July 1978, is a radical extension of normal artificial insemination designed to allow some infertile couples to have children. Whereas artificial insemination, either by husband (A.I.H.) or by donor (A.I.D.), has been practised for many years as a means of overcoming voluntary or enforced infertility arising from genetic incompatibility or from physical or psycho-sexual causes, it raises many legal, demographic, biological, medical and psychological issues affecting human rights which were reviewed by the Commission in 1975. ^{1/} These issues are largely unresolved. They arise from the implications of storage possibilities, the mode of selection of donors, the responsibilities of medical advisers, the mental state of the parties concerned and, not least, the effects on the child.

5. To an even greater degree than artificial insemination, this new technique of laboratory fertilization followed by implantation in the uterus calls for an authoritative appraisal of its positive and possibly negative aspects. At its Congress held in London in August 1978 the International Humanist and Ethical Union adopted a resolution which, while welcoming the scientific advance that allows conception outside the womb as a technique that can be ethically justified, widening as it does the freedom of responsible individual choice, noted that it could be fraught with possible dangers ^{2/} and still required further research.

6. The International Humanist and Ethical Union wishes to suggest that it might be timely for the Commission to consider examining this technical advance that is both near to the frontiers of science and involves the rights of the child.

C. SALES PROMOTION OF NEW DRUGS IN DEVELOPING COUNTRIES

7. A very large number of new pharmaceutical products is now being produced each year, the sales of many of which depend on purchasing power and market size as opposed to limited medical function. In countries with elaborate medical and research facilities any adverse or dangerous side-effects stand the greatest chance of being detected, though not necessarily before damage has been done. As has been well displayed of late by cigarette smoking, expert disclosure of health risks eventually leads to a reduction in use. Most pharmaceutical products, like cigarettes, are produced by transnational concerns operating where possible through mass sales, so that any slackening of demand in the original market will automatically lead to a redoubled search for new ones.

8. New documented evidence on the use of drugs in developing countries has been reported on at a seminar held in London in December 1978, ^{3/} which suggests an influx of company representatives into Africa to promote products some of which have been largely withdrawn in countries of origin. The emphasis is stated to be on drugs, often patented, for relieving symptoms rather than on the limited range of cheap and proven products needed to treat tropical diseases. As examples anabolic steroids are said to be recommended to treat malnutrition and weight loss,

^{1/} See document E/CN.4/1172, paragraphs 18-111.

^{2/} E.g. those arising from accident or deliberate modification of the embryo, as well as adverse non-physical effects on the child.

^{3/} By Dr. John Yudkin, of the London Hospital Medical School. See report by R. Norton-Taylor (Guardian, 14 December 1978).

to stimulate appetite and to treat exhaustion and excessive tiredness in schoolchildren despite the fact that they may induce liver cancer and can lead to sex changes in children. Pain-killing drugs containing aminopyrene and dipyrene, whose use has been closely restricted elsewhere, are being widely used in developing countries to treat headache, toothache and similar conditions. 4/

9. If it is true that drugs are often being promoted in developing countries without reference to the problems of the country concerned, it is also true that this is a market where any ill-effects on children will be particularly marked. The expansion of drug sales in the developing world parallels similar trends reported on earlier in 1978 in rising consumption of cigarettes in developing countries, at a time when their use in high-consumption areas was slowing down.

10. The International Humanist and Ethical Union is of the opinion that this question is one which would justify study and action by the Commission if the essential facts are found to warrant it. The IHEU believes that more protection is needed generally against the possible health dangers to populations arising from non-essential chemical and pharmaceutical products promoted in some cases without adequate knowledge of their consequences. This too seems to be a question where basic human rights of the child are involved.

D. INTERNATIONAL TECHNOLOGY ASSESSMENT AND HUMAN RIGHTS

11. Many other examples than those given above could be cited, simply from research activities reported during 1978, of actual or impending human rights involvement in the products of applied science. Current examples range from recombinant DNA research ("gene splicing") at one extreme to the long-continued efforts to find a publicly and economically acceptable means of dealing with the high-activity waste from nuclear reactors or reprocessing plants.

12. Public and scientific disquiet about recombinant DNA research into the fundamental processes of life is mainly concentrated on its possible extreme dangers in leading by accident to creation of new strains of resistant viruses capable of upsetting the human or ecological balance. 5/ On the other hand the enthusiasts in industrial research are making major efforts to use the new techniques (recombining parts of the genetic material DNA, or deoxyribonucleic acid) on the expectation of developing new drugs, agricultural products, human growth hormones, etc. New guidelines covering both science and industry, but exempting part of the research effort, have been announced as due to come into effect in the United States in January 1979.

13. The efforts to contain highly toxic man-made waste from nuclear power plants and reprocessing facilities stem from the fact that the only real means of ridding the earth of such products is by firing them into orbit. Vitrification (enclosure in glass), with storage in salt or other deposits, or in igneous rocks,

4/ These products are stated to be listed and sometimes recommended in the African Monthly Index of Medical Specialities, which is compiled by drug companies.

5/ The main features of the research have been reviewed by the Secretariat in document E/CN.4/1236, issued in 1976.

has been discussed for a good many years but never perfected. The latest studies provide for encasing in synthetic crystalline materials or synthetic rock, but these too remain projects. 6/ This question, it is suggested, appears to pose an inescapable human rights problem of major proportions, though no objective discussion of the human rights aspect has so far been undertaken.

14. While pure science continually opens up new vistas by disclosing hitherto unsuspected consequences of human action, human rights criteria and other standards for human protection are so far our only modest safeguards against the virtual freedom still accorded to commercial pressures for exploitation that impel most of the process of technology. Various proposals have been put forward under the Commission's auspices 7/ for special international machinery to be set up to assess new techniques from the standpoint of human rights, drawing attention to any possible dangers to human rights as well as any potential benefits they may present and possibly calling for controls upon new developments which present a threat to human rights.

15. It would be difficult to exaggerate the importance of this proposal. The International Humanist and Ethical Union would like to express the hope that the Commission will seek urgently to consider how best it might proceed in giving effect to this idea.

6/ Other aspects of this particular waste question which may affect human rights are not here mentioned.

7/ See paragraph 4 of the Statement agreed by an eminent group of international experts meeting in Geneva in 1975 (E/CN.4/1199, para. 4 (1976) and document E/CN.4/1237, paras. 56-71 (1977)).