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COMMISSION ON HUMAN RIGHTS  
Fifty-ninth session  
Agenda item 17

**PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**Algeria, Croatia, France, Georgia\*, Germany, Greece\*, Italy\*,  
Luxembourg\*, Malta\*, Poland, Romania\*, San Marino\* and  
Switzerland\*: draft resolution**

**2003/... Human rights and bioethics**

*The Commission on Human Rights,*

*Recalling* that, according to the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, 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,

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

*Recalling* the right of everyone, as recognized in article 15 of the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications, and recalling article 7 of the International Covenant on Civil and Political Rights, which states that no one shall be subjected without his free consent to medical or scientific experimentation,

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

*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 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,

*Affirming* 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* that article 10 of the Declaration affirms, inter alia, 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,

*Welcoming* resolution 22 adopted on 2 November 2001 at the 31st General Conference of the United Nations Educational, Scientific and Cultural Organization inviting the Director-General to submit to the General Conference at its 32nd session in 2003 the technical and legal studies undertaken regarding the possibility of elaborating universal norms on bioethics,

*Recalling* its resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993, 1997/71 of 16 April 1997, 1999/63 of 28 April 1999 and 2001/71 of 25 April 2001,

*Referring* to the United Nations Millennium Declaration in which Heads of State and Government resolved 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 the Promotion and Protection of Human Rights regarding this question,

*Recalling* the adoption by the Committee 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 any misuse of their applications,

*Rejecting strongly* any doctrine of racial superiority, along with theories which attempt to determine the existence of so-called distinct human races,

1. *Takes note* of the report of the Secretary-General (E/CN.4/2003/98 and Add.1);
2. *Expresses its appreciation* to the Governments that have responded to the request for information formulated by the Commission in its resolution 2001/71 of 25 April 2001 and invites the Governments which have not yet responded to do so;
3. *Invites* the United Nations High Commissioner for Human Rights to participate, within his area of competence, in the discussion on questions relating to human rights and bioethics;
4. *Welcomes* the initiative of the members of the United Nations Educational, Scientific and Cultural Organization to prepare an international declaration on human genetic data and calls upon Member States to cooperate fully in the finalization of a text;
5. *Urges* States to take measures for the protection and confidentiality of personal genetic data concerning persons living or dead; in order to protect human rights and fundamental freedoms, limitations to the principles of consent and confidentiality may only be prescribed by law, for compelling reasons within the bounds of public international law and international human rights law;
6. *Calls upon* States that have not yet done so to address the issue of discrimination arising from the application of genetics, in order to protect human rights, fundamental freedoms and dignity;
7. *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, and to the need to safeguard the human rights, the dignity and the identity of the individual;
8. *Encourages* States to participate in the discussions of the working group of the Sixth Committee, to be held from 29 September to 3 October 2003 during the fifty-eighth session of the General Assembly under the agenda item "International convention against the reproductive cloning of human beings";

9. *Reaffirms* the importance of receiving information 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 and to make these reports available to Governments;

10. *Invites* Governments that have not yet done so 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;

11. *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 sixty-first session;

12. *Requests* the Secretary-General to submit a report based on these contributions for consideration by the Commission at its sixty-first session.

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