Suggested changes to

Draft General Comment on Science

of the Committee on Economic, Social and Cultural Rights

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based on draft version 2 january 2020

### Paragraph 23

“Accessibility has four dimensions: first, everyone should have the fair opportunity to participate in the development of science on the basis of their capacity, particularly through **i)** the progressive achievement of access to higher education and research positions, **ii) active participation by individuals and communities outside traditional research institutions.**”

**Comment:** Enshrining access to "participation in science" through access to formal education and "research positions" is unacceptable. Especially requiring "research positions" (!), this is self-contradicting with the non-dichotomous approach of section 15.

It is increasingly unacceptable to emphasize traditional educational institutions as the method for "participation in science" given the ever-increasing ability for individuals to learn to do things themselves via online information, education, and collaboration mechanisms.

### Paragraph 44

“Third, as many of the new inequalities are strongly linked to the capacity of some business entities to access, store and exploit massive data, it is crucial to regulate, according to human rights principles, the ownership **and control** of data.”

**Comment:** Ownership of personal data is considered by some to be antagonistic to human rights principles.

### Paragraph 66

“The Committee reiterates that “ultimately, intellectual property is a social product and has a social function” and consequently States Parties “have a duty to prevent unreasonably high costs for access to essential medicines, plant seeds or other means of food production, or for schoolbooks and learning materials, from undermining the rights of large segments of the population to health, food and education”.

**Careful consideration of interlocking IP rights seems to be particularly crucial in the emerging field of artificial intelligence, where exclusive access to personal data has led to the privatization of entire scientific research fields and incorporation into industry.**“

**Comment:** How are IP rights applicable to machine learning models? What happens when human rights principles are used to challenge the use of personal data in some models? How do those rights flow between academia and industry? Those questions are not answered at the moment, but should be on the radar of many readers of this document.

### Paragraph 78

“This legal framework should include, for instance, measures that require companies to prevent discrimination at both the input and output levels of AI systems and other technologies, **as well as recourse mechanisms designed with human rights principles in mind.**”

**Comment:** The design of recourse mechanisms is crucial in ensuring proper oversight of those new technologies. Anchoring the recourse mechanisms in human rights first is likely to lead to careful design of accountability around supply chains of data and associated decision-making.