

A Short History of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (1975)

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The United Nations' Resolution 3384 (XXX) is a keystone of the discussion on how innovations in science and technology may affect human rights. The resolution was adopted by the General Assembly at its 2400th Plenary Meeting on 10 November 1975 acknowledging both the chances and risks of scientific and technological advancements for the international community. Originally introduced by the Union of Soviet Socialist Republics, the document's genesis gives an example of how human rights diplomacy worked during the Cold War. While the USSR put a strong focus on social and economic rights, the United States emphasized civil and political rights, introducing the protection of privacy to the document. Drawing on the UN Charter, human rights declarations and covenants, the resolution sets forth the possible impact of science and technology on societies and individuals in nine preambular and nine operative paragraphs. These paragraphs reflect both concerns for societies and groups as well as for the individual, such as warfare with advanced weapons respectively human rights violations with technological means, and they call on the states to protect the wellbeing of the people. Legally non-binding, the Declaration nevertheless contains intentions that are still relevant today. For instance, data privacy became an issue of global scale, however, subjected to few international standards, as the controversy between the United States and China about the application "TikTok" demonstrates.

Keywords: United Nations, human rights, science and technology, data privacy, 1970s

Introduction

Advances in technological fields often have an impact on human rights, but international regulations are difficult to achieve. One of the few declarations on a United Nations level is the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind of 1975. It evolved from the work of the Commission on Human Rights since the late 1960s. Its character reflects tensions during the Cold War, since it has been introduced by the Union of Soviet Socialist Republics and has been heavily redacted by Western countries. A UN resolution, generally speaking, is legally non-binding, with the exception of security council resolutions. That is one reason why UN human rights institutions are considered as notoriously weak (Keys, 2014, pp. 2, 9, 12). For instance, the UDHR had to be transferred into legally binding agreements of

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international law, namely the International Covenant on Civil and Political Rights and the International Covenant on Civil and Political Rights (Neier, 2012, p. 101). Yet declarations, such as the UDHR, carry a certain prestige and a symbolic meaning, setting intentions for future agreements. Declarations are key documents for the agenda setting and serve as an important reference. For instance, there is a discussion in China on how to integrate ethics into science and technology, with reference to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (Ge & Li, 2022, p. 132). The relationship between social rights and civil rights is reflected in the contemporary debate, since many scholars point out the right to benefit from scientific and technological achievements:

When science has been explicitly linked with human rights within the United Nations system it is usually within the framework of the relationship of science and technology to the realization of other human rights or, alternatively, the dangers that scientific developments and technologies can or do pose to the protection of human rights. (Chapman, 2009, p. 2)

Other scholars have referred to the declaration with regard to data privacy (Yilma, 2018, p. 228) or to access to health (Donders, 2011, p. 372). In this respect, the declaration fosters the work of the World Health Organization (Meier, 2013, p. 226). The declaration recognizes and elaborates on the “right to science”, a right to participate in scientific and technological advancement, which is, for instance, an important factor in environmental law (Hubert, 2020, p. 628). Scholars have pointed out the “knowledge and scientific gap” (Majidi & Dehshiri, 2009, p. 456) between industrial and developing countries with reference to the declaration. Yet the “Right to Science” implies conflicting goals how science should, on the one hand, serve human rights and democracy, and should be independent, on the other hand:

Despite the Declaration’s insistence that science and technology should not breach international law, there is still scope in the present day for widely differing views among states as to how science and technology can be used to achieve peace within the bounds of international law. (Smith, 2020, p. 232)

Genesis

The Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind was adopted in the mid-1970s, a decade that historians consider as a “phase sui generis” (Eckel, 2012, p. 605) when human rights had a “first global breakthrough” (Moyn, 2014, xviii). The declaration emerged during the discussion on science, technology, and human rights that started in the late 1960s (Yilma, 2018, 226f.). This discussion was initiated during the Human Rights Year 1968 which celebrated the 20th Anniversary of the Universal Declaration of Human Rights, an anniversary that officials in the Johnson administration considered a failure in terms of publicity and media reports in the United States (Keys, 2014, 42f.). Nonetheless, the Human Rights Year was important in terms of agenda-setting: “The International Year for Human Rights in 1968 marked a watershed” (Ogata, 1990, p. 1). Participants of the International Conference on Human Rights in Tehran from 22 April to 13 May addressed problems such as racial discrimination and initiated a debate on the impact of science and technology on human rights. The Second Committee of the conference under the chairmanship of Venezuela issued a report pointing out the chances as well as the risks of scientific and technological achievements. In the according Resolution XI on “Human Rights and Scientific and Technological Developments” of May 1968, the General Assembly urged studies on:

(a) Respect for privacy in view of recording techniques; (b) Protection of the human personality and its physical and intellectual integrity in view of the progress in biology, medicine and biochemistry; (c) The uses of electronics which may affect the rights of the person and the limits which should be placed on its uses in a democratic society; (d) More generally, the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity. (United Nations, 1968, p. 12)

The Declaration of Tehran of September 1968 referred to the issue in Paragraph 18: “While recent scientific discoveries and technological advances have opened vast prospects for economic, social and cultural progress, such developments may nevertheless endanger the rights and freedoms of individuals and will require continuing attention” (United Nations, 1968, p. 5), a paragraph in which the authors pointed out the ambivalent consequences of scientific achievements and technological innovations. In December 1968, the General Assembly requested the Secretary-General to issue a report on the issue of science and technology with regard to human rights. Thereupon, the Secretary-General asked for the opinions of member states, intergovernmental institutions as well as nongovernmental organizations and individual experts. In February 1970, the resulting preliminary report was published by the Commission on Human Rights of the Economic and Social Council (Commission on Human Rights, 1970). It was the starting point of a series of reports on technology and human rights (Kubota, 1990, 108f., 113f.), many with an emphasis on privacy (Neuroth, 2022, p. 260-265). Yet it took another five years until the United Nations reached a first conclusion in form of a declaration.

The declaration on science and technology emerged during the Cold War, and its genesis marked conflicting views by the parties beyond each side of the Iron Curtain and, moreover, by the north and the south of the equator (Yilma, 2018, p. 226). In this regard, the United States promoted the values of individualism and human rights (Bradley, 2016, 158ff.), while the Soviet Union had a state-centered focus on development and progress. The title for a “Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind” expresses the latter perspective, stressing the advantages of technology. In fact, it was the delegation of the USSR who introduced a draft declaration to the UN General Assembly on 3 December 1974, supported by Bangladesh, Czechoslovakia, the German Democratic Republic, Mauritius, and Poland. The goal was to implement the access to technology in the human rights framework. Conversely, civil rights became an important factor in the diplomatic process. In the Third Committee (i.e., the Social, Humanitarian, and Cultural Committee), country representatives revised the draft declaration emphasizing potential adversary effects for individual rights. For instance, Morocco requested to amend the declaration adding: “All States must take measures to extend the benefits of science and technology to all strata of the population and to protect them, both socially and materially, from possible harmful effects of the misuse of scientific and technological developments” (General Assembly, 1974b, p. 9), and the Federal Republic of Germany, the United Kingdom, and later Cuba added: “All States shall take appropriate measures to prevent the use of scientific and technological developments, particularly by the State organs, for limiting or interfering with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights” (General Assembly, 1974b, p. 9). These countries were aiming for initiatives to implement common standards for dealing with technology. In particular, the United States stressed the importance of civil rights. As a world leader in many technological fields, the country did not regard economic development as a primary concern but acknowledged the perils that the use of technology could undermine the democratic process. During the Watergate Scandal that

was provoked by the discovery of illegal eavesdropping, the country had learned its own lesson. Yet it also questioned the legitimacy of socialist regimes with regard to human rights. Representatives of the United States added a paragraph to the preambular: “*Noting also with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or of the group and for human dignity*” (General Assembly, 1974b, p. 9). The United States felt that the draft was tendentious and weighted socioeconomic progress over political rights:

As it now stands, this draft resolution is a one-sided document that properly emphasizes concern over the impact of science and technology on economic and social development, but fails largely to reflect a proper concern over the impact of science and technology on civil and political rights and individual human freedoms. (General Assembly, 1975a, p. 3)

Among others, the United States requested to add the clause: “to protect the rights of the individual or of the group, particularly with regard to respect for privacy and the protection of the human personality and its physical and intellectual integrity” (General Assembly, 1975a, p. 3) in an operative paragraph. At the time, privacy was an important concern in US domestic politics (Cappello, 2019, ch. 4, 5). These amendments contributed to the significance of the declaration as a key human rights document.

The debate on the declaration on science and technology (General Assembly, 1974a) took place in October 1975 during the 30th Session of the General Assembly, from the 2135th to the 2145th Meeting of the Third Committee. Earlier that year in August, the Helsinki Accords contributed another landmark of Cold War diplomacy regarding human rights. During the UNGA meetings, the ideological cleavages persisted. In the forefront of the meeting, 14 countries had submitted comments on the draft (General Assembly, 1975b, p. 121), which implies that no other international organizations or non-governmental organizations participated in drafting the document itself. Nonetheless, international as well as non-governmental organizations, such as the International League for the Right of Man (later: International League for Human Rights), did contribute to foregoing studies on the issue (Neuroth, 2022, p. 270). Altogether, there were few non-governmental organizations that operated on high-level diplomacy. In her opening statement, the Belarussian representative, co-sponsor of the declaration, rejected parts of the amendments by the United States, stating that they

were unacceptable to her delegation, since they appeared to be motivated solely by concern for protection of the rights and privacy of the individual, when in fact the rights of peoples could not be separated from the rights of individuals. (General Assembly, 1975b, p. 123)

Here, privacy became a bone of contention during the Cold War. The United States representative pointed out that “the United States Government believed that any consideration of the effects of scientific and technological developments should deal with both political and economic rights” (General Assembly, 1975b, p. 125) and suggested to present the draft declaration to the Commission on Human Rights.

According to most Western countries, further consideration was needed. The Australian delegate mentioned further shortcomings of the declaration according to an experts’ panel:

population planning; protection against the hazards of atomic energy; human experimentation; implications of new biological and medical discoveries; modification of mental processes by medical means; the social and ethical implications of the extension of life and of new definitions of and attitudes to death; the social and ethical choices in relation to equality in the provision of health protection and medical care. (General Assembly, 1975d, p. 132)

The Chinese representative said that developing countries were lagging behind in technological fields due to monopolistic tendencies by industrialized countries, and he further criticized the superpowers for pursuing an arms race, concluding: “Unless the abuse by the super-Powers of the results of scientific and technological development was exposed and condemned, such a declaration would be meaningless” (General Assembly, 1975c, p. 129). This statement expresses the tensions between China and the USSR since the 1960s. The representative from Chile articulated the dilemma of developing countries: “Technology gave rise to a vicious circle from which developing countries found it difficult to escape: in order to develop technology, research was required, and research required capital, which could be obtained only if one had technology” (General Assembly, 1975e, p. 141).

Without having the support of communist China, the USSR forged a coalition with developing countries of the south. For these countries, the primary interest was not the protection of civil liberties but access to technology. For countries that already had access to technology, civil liberties were a main concern. Belarus agreed to the amendments proposed by Morocco and by the Federal Republic of Germany and the United Kingdom, mentioned earlier (General Assembly, 1975f, p. 145). In the following, the sponsors of the declaration revised the draft (General Assembly, 1975g, p. 151), considering of the amendments (General Assembly, 1975h). In the final meeting, the US representative once again demanded to insert the “respect to privacy” in the declaration, while the USSR representative argued that other paragraphs already referred to human rights (General Assembly, 1975i, p. 156). Finally, the committee agreed to the oral amendments by the US with 51 to 12 votes and 61 abstentions. The concept of privacy had made its way to the declaration. The General Assembly adopted the Resolution 3384 (XXX) unanimously with 97 votes while 20 members were absent or did not vote (General Assembly, 1975i, p. 158). According to diplomat Mrs. Sadako Ogata, who had been the representative of Japan at the committee meeting, none of the Western countries participated in the voting (Ogata, 1990, p. 4). This is a prime lesson on the customs of Cold War diplomacy that are sometimes an odd thing to an outsider, like heavily amending a document only to abstain from voting, just to refrain from voting against it. Thereby, Western countries found a way of shaping the agenda and the tone of the document without giving the opposite party the triumph of a high approval rate. It is therefore fair to say that the meetings had an air of *détente*. The diplomatic struggle of its formation is reflected in the content of the declaration.

Content

The heated debate in the General Assembly resulted in a cacophonous document referring to a variety of social and economic as well as civil and political rights and drawing the attention to benefits as well as hazards of science and technology. The resolution, having the character of a declaration rather than a working paper, consists of nine preambular and nine operative paragraphs that are very general in essence. It altogether has a “political tone” (Yilma, 2018, p. 227) emphasizing the law of nations. The declaration starts with “*The General Assembly*” (General Assembly, 1975j, first line) giving the organ that adopted the resolution. The first and the beginning of the second preambular paragraph stress the prospect for development made possible by science and technology, while the end of the second paragraph points out inherent threats to the social fabric as well as to “human rights and fundamental freedoms” (General Assembly, 1975j, second paragraph), a term that is repeated in the third paragraph, which looks a bit redundant. The third paragraph also points out threats to peace, while the fourth paragraph, introduced by the United States, again points out “dangers for the civil and political rights”

(General Assembly, 1975j, fourth paragraph) among others. The fifth paragraph urges to make use of science and technology in order to achieve benefits and to prevent hazards. The next sixth and seventh paragraphs deal with “economic development of developing countries” (General Assembly, 1975j, sixth and seventh paragraphs) fostered by progress respectively by the transfer of science and technology. The eighth paragraph acknowledges “the right of peoples to self-determination” and—once again—“human rights and freedoms” (General Assembly, 1975j, eighth paragraph) repeating the term for a third and the concept itself for a fourth time. The concluding ninth paragraph of the preamble makes reference to a number of agreements and contracts such as the Charter of the United Nations or the UDHR.

The term “[The General Assembly] *Solemnly proclaims* that” (General Assembly, 1975j, intersection) leads to the operative section of the declaration. The paragraphs are listed like an interplay between benefits and hazards that arise from scientific and technological advancements. The operative Paragraph 1 sets the overall tone of the declaration:

1. All States shall promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence, and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations. (General Assembly, 1975j, Paragraph 1)

In this context, science and technology are not perceived as a threat but as means to realize human rights. The idea of a possible threat is articulated in Paragraph 2, introduced by the FRG and the UK as mentioned earlier, a paragraph forming a juxtaposition to the previous. Paragraph 3, again, emphasizes the social importance of science and technology: “3. All States shall take measures to ensure that scientific and technological achievements satisfy the material and spiritual needs of all sectors of the population” (General Assembly, 1975j, Paragraph 3). The next Paragraph 4, conversely, points out possible hazards such as warfare or the persecution of minorities, referring again to the Charter of the United Nations, while Paragraph 5 points out benefits for “social and economic rights” (General Assembly, 1975j, Paragraph 5) and demands member states to support scientific and technological advancements in developing countries. Stressing benefits this paragraph is followed by Paragraph 6, introduced by Morocco and amended by the United States, stressing once again potential threats:

6. All States shall take measures to extend the benefits of science and technology to all strata of the population and to protect them, both socially and materially, from harmful effects of the misuse of scientific and technological developments, including their misuse to infringe upon the rights of the individual or of the group, particularly with regard to respect for privacy and the protection of the human personality and its physical and intellectual integrity. (General Assembly, 1975j, Paragraph 6)

Paragraph 7, among others, outlaws “any discrimination whatsoever on grounds of race, sex, language or religious beliefs” (General Assembly, 1975j, Paragraph 7). Paragraph 8 basically repeats the assertion that science and technology should not be used in a way that harms “the dignity of the human person” (General Assembly, 1975j, Paragraph 8), and Paragraph 9 demands legal compliance in this respect. Altogether, it remains ambivalent in the document how science and technology relate to human rights. Yet the term “human rights and [fundamental] freedoms” appears in the operative Paragraphs 1, 2, 7, 8, and 9, and Paragraph 6 contains the term “rights of the individual or the group”. It is hard to say whether this repetition throughout the preamble and the operative section

makes the claim to human rights any stronger, as intended by country representatives submitting amendments, or even weaker, as the sponsors of the declaration have argued.

Impact

The declaration had a limited impact on international law but a decisive impact on the further UN debate on science, technology, and human rights. Following the adoption of the declaration, UN specialized agencies as well as the Commission on Human Rights were requested by the General Assembly, in December 1975, to implement the provisions of the declaration (Kubota, 1990, p. 111). In 1980, the UNGA asked the Secretary General as well as the member states for information with regard to the declaration, in how far the intentions had been implemented. During the 1980s, the Eastern countries supported disarmament and peace, promoting a “right to life” according to the declaration, while Western countries did not participate in the vote for further resolutions. In addition, the Commission on Human Rights initiated research on the “right to work” as well as the “the right to development”, an initiative that countries under socialist rule had encouraged. To the contrary, Western countries wanted to investigate under which circumstances people could be detained for reasons of “mental ill-health”, which was allegedly a common practice in the USSR in order to get rid of dissidents. The resulting report was less political in character as maybe intended (Ogata, 1990, p. 5). Further studies dealt, among others, with “unlawful human experimentation” or “hazardous processes, products and technologies” (Kubota, 1990, 119f.).

Another direction was followed by an initiative of the Commission on Human Rights in 1983 that focused on the positive outcomes of scientific and technological advancement to support human rights, as Ambassador Tomohiko Kobayshi, the representative of Japan who introduced the respective resolution, said: “the positive and negative effects of scientific and technological developments on human rights were intimately interrelated, and constituted, as it were, a double-edged sword” (Kubota, 1990, p. 106). Co-sponsor of the resolution was Yugoslavia. In the same year, one scholar referred to the declaration in order to elaborate the concept of “human dignity” (Schachter, 1983, p. 848). The process of the declaration was concluded in the early 1990s. In 1999, a notable successor, the Declaration on Science and the Use of Scientific Knowledge and Science Agenda, was passed by the United Nations Educational, Scientific and Cultural Organization in the aftermath of the World Conference on Science (UNESCO, 1999). The UNESCO also issued a declaration on the human genome earlier in 1997.

With regard to negative impacts of technology to human rights, data privacy was one specific field, in which the declaration played a role. Even though the United States representatives were pressing the committee so hard to include the term “privacy” in the declaration, the meaning remained completely vague. With regard to the privacy debate in the United States at the time (Igo, 2018, ch. 5, 6), the term could refer to data surveillance, electronic eavesdropping, unsolicited publishing of photographs, or even coerced contraception. With regard to the privacy debate within the United Nations, the meaning of the term was somewhat narrower (Neuroth, 2022, p. 274-278), referring to the use of listening devices and of computerized data banks to process personal information. In 1977, Commission on Human Rights urged for a study on possible guidelines concerning data privacy (Kubota, 1990, 117f.). The Subcommission on the Prevention of Discrimination and the Protection of Minorities under the aegis of Special Rapporteurs Mrs. Questiaux and later Louis Joinet began working on general guidelines during the 1980s. There was, however, little agreement on the content as well as opposition to

the guidelines, for instance, the International Labor Organizations and the International Police Organization made requests to be exempt from the rules (Yilma, 2018, p. 228). In his report, Joinet referred, among others, to the declaration in the introduction (Subcommission on Prevention of Discrimination and Protection of Minorities, 1983, p. 2). The final version of the Guidelines for the Regulation of Computerized Data Files, adopted in 1990, was less strong compared to earlier drafts and to recommendations that the Secretary General had made in a report of 1974, and as a result of political bargaining, the UN adopted a “normatively and institutionally weak framework for the protection of data privacy” (Yilma, 2018, p. 229).

This lack of international regulation became evident in the age of the internet, when personal data were sent from server to server across borders with up to the speed of light. The Snowden revelations brought the UN data privacy regulations back on the agenda, without much success (Yilma, 2018, p. 228). It seems somewhat ironic that the United States were eager to implement the “respect for privacy” in a UN declaration during the 1970s, but their intelligence agencies did not seem to respect privacy much in the 21st century. In a post-Cold War and post-9/11 situation, the priorities of the United States concerning human rights have shifted. Within the UN, the Commission on Human Rights was replaced in 2006 by the Human Rights Council that appointed Joseph A. Cannataci as a Special Rapporteur on the right to privacy in 2015. The debate on international data privacy is far from being concluded.

Conclusion

Historically speaking, the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind reflects the context of the Cold War. While the USSR introduced the declaration stressing social rights and was joined by developing countries, a Western coalition redacted the document in order to emphasize individual and political rights. As a legally non-binding resolution, it did not result in a strong legal framework. Yet, for instance, in the field of data privacy, international rules are necessary. For example, the United States is debating the legal status of the social media application “TikTok” that is owned by a Chinese parent company. Because of data privacy concerns, there is a discussion whether to ban the application altogether. To the contrary, the company says it processes data within the US borders (Thorbecke & Fung, 2023). This shows how “data sovereignty” (Woods, 2018, p. 334) is becoming a concern for countries. International organizations may moderate such conflicts. In this regard, the present UN human rights system has its shortcomings. For instance, the content of a letter is better protected than that of an email. In this regard, the Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind sheds light on how countries deal with scientific and technological innovations and on how legal innovations might be realized.

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