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1 December 2004

RE: Elaboration of the Declaration on Universal Norms on Bioethics: 3rd Outline of a Text (27 August 2004)

Dear Michael Kirby, Michèle Jean, and Henk ten Have,

Please accept the attached brief comments on behalf of the Center for Cognitive Liberty & Ethics (CCLE). The CCLE is a US federal nonprofit, whose mission is to develop social policies that will preserve and enhance freedom of thought into the 21st century. Never before has freedom of thought been so directly threatened, mental diversity so potentially impoverished. Conversely, never before have so many promising applications of neuroscience been available to humanity. Specifically, the CCLE seeks to protect fundamental human rights to preserve and foster free thinking at issue as knowledge in the neurosciences (aided by exponential advances in pharmacology and technology) make it possible to monitor, modify, and manipulate the brain's electrochemical states. These advances are quickly moving brain research and clinical applications beyond the scope of purely medical use. I should also add, that our organization has an application for consultative status with the UN's ECOSOC currently under review.

With this framing in mind, the comments on your draft that I have provided here address distinctive *neuroethical* considerations raised or implicated within the larger aims of the *Declaration on Universal Norms on Bioethics* that might be otherwise overlooked. Where your working groups are considering terms as indicated by alternatives in brackets, we have included **bold** font to indicate our preferences, and used **bold** to indicate suggested additions or amendments. Should you desire further substantiated reasoning for these, I would be happy to provide follow-up comments at your request.

I wish you success in your revisions of this current draft, and look forward to following the evolution of this document. If I, or the CCLE, can be of further assistance please do not hesitate to contact me. I applaud such efforts to anticipate and guide global biotechnologies for greater human flourishing.

Sincerely,

Wrye Sententia
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Comments on The Declaration on Universal Norms on Bioethics *or* Universal Declaration on Bioethics and **Humanity**

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Fundamental Principles

Article 3- Human Dignity, Human Rights and Justice

Any decision or practice within the scope of this Declaration shall be made or carried out with full respect for the inherent dignity of the human person, human rights and fundamental freedoms, **including freedom of thought**, and for the universal principle of justice **as set forth here and in the UN Declaration of Human Rights.**

Article 5- Respect for Cultural Diversity and Pluralism

Any decision or practice within the scope of this Declaration shall take into account the cultural backgrounds, schools of thought, value systems, historical and philosophical traditions, religious beliefs and like considerations. However, **cultural diversity** shall not be invoked to infringe upon, **nor limit the scope of** the universal principles set out in this Declaration **and as set out in the UN Declaration of Human Rights.**

Derived Principles

Article 12- Privacy and Confidentiality

Any decision or practice within the scope of this Declaration shall be made or carried out with **full** respect for the privacy of the persons concerned and the confidentiality of their personal **biological and neurological** information. **Such information shall not be used or disclosed for purposes that violate individual privacy, autonomy and choice. Nor can** such information be used or disclosed for purposes other than those for which it was collected, except with the consent of the person concerned or in cases restrictively provided for by domestic law consistent with international human rights law.

Procedures

Article 22- Transnational Practices

International research **and commerce** should be subject to ethical review in the country providing financial support for the activity as well as in the country where the research **and commerce** is to be carried out. This review should be based on the principles set out in this Declaration and on the ethical and legal standards adopted by the States concerned.

Promotion and Implementation

Article 30

Nothing in this Declaration may be interpreted as implying for any States, group or person any claim to engage in any activity or to perform any act contrary to human rights, fundamental freedoms, **including freedom of thought** and human dignity, **with particular reference to** the principles set out in this Declaration.