

To The Human Rights Council Advisory Committee

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Advokater i kontorfællesskab

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October 15<sup>th</sup> 2019

**Reg.: New and emerging digital technologies and human rights (symbol no. A/HRC/41/L.14).**

On behalf of the following organisations, please find below our input on the subject above, cf. The United Nations Human Rights Council's 41<sup>st</sup> session, letter of July 9<sup>th</sup> 2019:

- the scientist network the Danish Institute for Public Health,
- the Council for Health-Safe Telecommunications,
- the EHS-association,
- the Civil Health Rights Movement May Day.

The following is also submitted on behalf of ph.d., associate prof. Olle Johansson<sup>1</sup>.

**1. In what ways do new and emerging digital technologies help to protect and promote human rights? How can the positive benefits of these technologies be realized?**

Digital technologies may help protect and promote human rights in many ways documented over several decades, mainly by making information swiftly accessible and across group or country borders. Numerous development programmes and initiatives, local as well as global, have been carried out to this purpose.

However, such benefits should be realized without creating threats to human or other life forms. The use of digital microwave based wireless communication has grown in volumes and intensities, in degree of ubiquitousness and have got technological properties that make it such a threat to human health as well as the health of animals, insects birds and plants, now also heavily evidenced, as shown also in the annexed document. When seeking to protect and promote human rights, it should therefore happen without the use of wireless communication.

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<sup>1</sup> Olle Johansson is a past associate professor at the Karolinska Institute, Department of Neuroscience, and head of The Experimental Dermatology Unit as well as a guest and adjunct professor in basic and clinical neuroscience at the Royal Institute of Technology, Stockholm. He has published more than 600 original articles, reviews, book chapters and conference reports within the fields of basic and applied neuroscience, dermatology, epidemiology, and biophysiology.

## **2. Key human rights challenges from emerging technologies, and how can the risks be mitigated? Are there earlier precedents?**

Radiofrequent electromagnetic radiation seems certain to pose a very real and significant danger to health of humans and to our environment because of its harmful properties. Unfortunately, this technology is very widely used today, and its future application can be expected to greatly intensify unless action is taken by international organisations and governments. As can be seen from the attached legal opinion on this issue, as it relates especially to 5G, there is a wealth of scientific evidence to support this claim, none of which can be refuted simply by referring to studies which happened to not find any harm, danger or causal link. The studies which do find such a danger are not negated by negative trials, and the studies which do find a link are legion and go back decades.

Based on this, it is the conclusion of the attached legal opinion that the introduction of a system as omnipresent and intense as 5G will constitute breaches of human rights as well as international environmental law.

As it pertains to human rights, this involves the right to life (which according to the case law of the European Court of Human Rights includes an obligation for the contracting states not to put humans at risk of losing their lives due to e.g. pollution), the right to a home and private life, and the rights of children.

Reg. international environmental law, it pertains to the endangerment, hurting and killing of protected species, including their habitats. Something which is likely to irreversibly harm our ecosystems if e.g. insects are more or less wiped out.

Earlier precedents tend strongly toward reactive lawsuits for damages, rather than proactive scientific and political scrutiny. This is not adequate where the technology in question (5G as an example) could affect huge parts, if not the clear majority, of the human population and the surrounding eco systems, without the proper scientific scrutiny being applied. If this is as harmful as it appears, it could very likely be too late once the damage has been done.

## **3. What types of reforms are needed?**

The increased worldwide implementation of wireless technologies mean the stakes are incredibly high. Therefore, suggestions include the strengthening of clear and enforceable rules on the following:

1) Mandatory testing of any new kind of technology. Reverse burden of proof if new technologies could be harmful or dangerous, before such technologies can be implemented. Better safeguards based on a "better safe than sorry"-principle and the precautionary principle are clearly needed as legally binding and practically enforceable rules. Enforceability must apply to consumers as well as states.

2) Effective compensation measures, including punitive damages, if technology proves harmful, and has slipped through 1).

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3) Clear authorities to find personal liability for corporate and/or government decision makers, if it can be proven that the person in question acted in bad faith, including not sufficiently investigating the available evidence at the time. Liability rule should include expedient access to information, enforceable by court order. (I.e.: Tipping the scales more towards responsibility and caution, and away from economically motivated innovation.)

The rollout of 5G is a clear example of a technology which is being introduced regardless of the clear and present danger and damage this system will impose or risks imposing on the health of people and the environment (including both animals and plants).

Apologetics will say that there is no proof of damage or danger, even in the face of hundreds, if not thousands or scientifically documented risks to our eco system and to ourselves directly.

What is needed is e.g. a legally binding norm to curtail the introduction of any new untested technology (to investigate possibility of danger, and if possibility exists to investigate further, until proven or satisfied to an acceptable margin of error that the technology is positively not harmful or dangerous), or increased use of known technology of dubious merit. As it stands, the hunt for profit for large corporations informs the will of many governments through the influence of these corporations and enormous business interests, regardless of any detriment to the surrounding societies. Interests which are not necessarily adequately separated from the government officials or politicians elected."

Holte, Denmark, October 15<sup>th</sup> 2019

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