《关于禁止发展、生产和储存细菌(生物)及毒素武器和销毁此种武器的公约》缔约国会议

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CHINESE ONLY

**2008 年会议**

**2008 年 12 月 1 日至 5 日，日内瓦**

**专家会议**

**2008 年 8 月 18 日至 22 日，日内瓦**

临时议程项目 6

**审议监督、教育、提高认识、通过和/或拟订行为守则，争取防止在生物科学和生物技术研究的进展中发生可能用于《公约》禁止的目的的滥用情况**

# 中国关于科学监督、宣传教育和科学家行为准则的工作文件 [1]

## 一、生命科学监督

### (一) 中国的看法

1. 加强生命科学的监督，对防止生命科学被用于非和平目的，确保将其风险降至最低，提高科学家对《禁止生物武器公约》(下称“公约”)的认识具有重要现实意义。

2. 中国主张，缔约国在加强本国对生命科学监督的同时，应注意与世界卫生组织、世界动物卫生组织等专门组织进行合作，充分利用它们现有的资源和成果，建立和完善本国的生命科学监督体系。促进生命科学监督领域的交流与合作，对在此领域有实际困难的国家提供帮助和支持。

[1] 文后附有非正式英文译文。

### (二) 中国的做法

3. 卫生部、农业部分别负责管理监督各自领域的生物安全及科学研究工作。卫生部会同农业部等部委成立了国家病原微生物实验室生物安全专家委员会，对高致病性病原微生物实验室的设立与运行进行生物安全评估和技术咨询、论证工作。

4. 进一步完善与人相关的生命科学监督。制定《涉及人的生物医学研究伦理审查办法(试行)》，引导和规范涉及人的生物医学研究伦理审查工作，推动生物医学研究健康发展。实施《人胚胎干细胞研究伦理指导原则》，保证国际公认的生命伦理准则和我国的相关规定得到尊重和遵守，成立伦理委员会，对有关研究的伦理学及科学性进行综合审查、咨询与监督。制定《人类遗传资源管理暂行办法》，对人类遗传资源实行分级管理、统一审批制度，以有效保护和合理利用我国人类遗传资源，加强人类基因的研究与开发。

5. 加强农业转基因生物安全监督与管理，保护生态环境，促进农业转基因生物技术研究。出台《农业转基因生物安全管理条例》等法律法规，根据农业转基因生物的不同安全等级，实行分级管理，对不同安全等级的转基因生物采取相应的安全控制措施和应急措施，对过境转移的农业转基因产品实行许可制度。

6. 建立农业部、国家发改委、商务部、科技部、卫生部、国家质检总局等部门组成的转基因生物安全部际联席会议制度，全面提升监管力度。成立国家转基因生物安全委员会，涉及农业转基因生物技术研究、检验检疫、卫生、环境等多领域，负责安全评审、技术咨询及指导工作。

## 二、宣传教育

### (一) 中国的看法

7. 加强公约及履约工作的宣传与教育，对提高民众对公约的认知度，增强科技工作者对科学活动潜在风险的认识，防止病原微生物的泄漏和扩散具有重要意义。缔约国应通过研讨、培训等各种形式积极开展履约宣传教育活动，加强各国间的信息交流，通过开展国际合作，相互借鉴有益经验。

### (二) 中国的做法

8. 政府主管部门通过发布公告、印刷宣传品、举办培训班和研讨会等形式开展公约及国家相关法律法规的宣传教育活动，增强从业人员的知法守法意识。与生物安全相关的宣传教育主要涉及实验室安全管理和技术培训、生物安全许可、卫生应急预案、兽医生物安全等内容。

9. 2007 年以来，结合北京奥运安保工作，中国卫生部举办了多期培训班，内容主要涉及奥运期间实验室生物安全管理，生物恐怖事件和意外事故的应急预案、处置等内容。

## 三、科学家行为准则

### (一) 中国的看法

10. 规范科学家行为、帮助科学界深入了解并自觉履约，对各国应对生物恐怖威胁、防止生物技术滥用具有积极意义。制定科学家行为准则应与有关国家立法互为补充。考虑到各国经济、科技发展水平参差不齐，管理体系和行业特点不尽相同，且当前已存在一些行为规范或操作条例，中国主张各国在自愿基础上制定符合本国国情的生物科学家行为准则。准则可包括以下要素，供各国参考：

(一) 从事生命科学及相关科技的人员应遵循科学家的基本行为守则，即科技活动应以造福人类、造福社会和保护自然为根本出发点。

(二) 相关人员应熟知公约的宗旨和内容，严格遵循公约各项规定，坚决反对生物武器的研发、生产和使用，不参与、不支持相关活动。

(三) 科研机构、实验室应制定和遵循生物安全和安保操作规范，加强对致病微生物和从业人员的管理，预测、评估并尽量避免科技成果对人类、自然与社会造成负面影响。

(四) 如发现某些行为可能违反公约，或可能给人类、社会和自然造成危害，相关人员应立即向主管部门报告。对业经查实的违法或不端行为应有相应的惩罚措施。

11. 各国宜进一步加强对公约的宣传、对生物科技工作者的教育和引导，提高自律意识，从源头上降低生物武器相关材料、技术扩散的风险，同时充分发挥科学家团体、行业协会的监督作用。

## (二) 中国的做法

12. 中国高度重视对从事生物科研和教育工作者的生物安全和道德规范教育，采取了一系列措施。主要包括：

(一) 《中华人民共和国刑法》修正案(三)将非法制造、运输、储存、投放、抢夺传染病病原体等行为定为犯罪。《生物两用品及相关设备和技术出口管制条例》的管制范围既包括一般性贸易出口，也包括对外交流、展览、援助等其他方式的技术转移，涵盖了科学交流的范畴。《病原微生物实验室生物安全管理条例》等将病原微生物的研究、教学、检测等科研活动纳入了管理范围。上述法律法规为规范全民，包括生物科学家和科技工作者的行为提供了坚实的法律基础。

(二) 多数科研机构制定了相关道德行为规范。如中国科学院制定了《院士科学道德自律准则》，要求全体院士恪守科学道德准则，在科学活动中，严格遵守和维护国家安全、生态安全、环境安全、健康安全等方面的道德规范。中国科学技术协会及中国科学院设有科技工作者道德委员会，专门负责科学家的行为、操守、修养等问题。

(三) 中国的主要高等院校制定了学术道德守则，加强学术道德和社会责任意识。

# OVERSIGHT OF SCIENCE, EDUCATION AND AWARENESS RAISING, CODES OF CONDUCT

Submitted by the People's Republic of China

[Unofficial translation]

## I. Oversight of the Life Sciences

### China's Perspectives

1. To strengthen the oversight of the life sciences is of crucial and practical significance to preventing the life sciences from being used for malign purposes, minimizing the risks of the life sciences and raising scientists' awareness of the Biological Weapons Convention (hereinafter referred to as "the Convention").

2. China holds that while strengthening their respective oversight of the life sciences, States Parties are encouraged to cooperate with relevant international organizations such as World Health Organization (WHO) and World Organization for Animal Health (OIE) with a view to making full use of their resources and achievements, in order to establish and improve national oversight mechanism on the life sciences. China also believes that one of the purposes for exchanges and cooperation is to provide assistance and support to the countries which are in need.

### China's Practice

3. Ministry of Health and Ministry of Agriculture are respectively responsible for managing and supervising biosafety, biosecurity and scientific research. Ministry of Health, together with Ministry of Agriculture and other relevant ministries, established National Experts Committee on Biosafety in Laboratories Dealing with Highly Infected Pathogenic Microorganisms, which provides biosafety assessment and technical advices on establishment and operation of such laboratories.

4. The oversight of human related life sciences has been further improved. Ethical Examination Practice on Human Related Biological and Medical Research (Provisional) was published for the purpose of guiding and standardizing the ethical examination of human related biological and medical researches and pushing forward sound development of such researches. Ethical Guiding Principles on the Research of Human Embryo Stem Cells was put into practice to ensure the respect and observing of the internationally recognized life ethical norms and the relevant regulations of China. According to these principles, China sets up a committee on ethical issues to ensure the relevant researches comply with ethical norms through comprehensive examination, consultation and surveillance. Provisional Practice on the Management of human Genetic Resources was promulgated to enable management at different levels and centralized authorization on human genetic resources. The Practice effectively protects

and well utilizes human genetic resources of China and promotes the relevant researches and development.

5. China has strengthened the oversight and administration on agricultural genetically modified organism to protect the environment and promote the relevant researches. Laws and regulations have been put into practice such as Regulations on Safety Management of Agricultural Genetically Modified Organism. Different management approaches have been taken in consistent with different safety levels of agricultural genetically modified organism. In other words, different safety control and emergency response measures apply to different safety levels of agricultural genetically modified organism. To those transit agricultural genetically modified products, licensing system has been set up by competent authorities.

6. An inter-agency mechanism was established on the safety of genetically modified organism, including Ministry of Agriculture, National Development and Reform Commission, Ministry of Commerce, Ministry of Science and Technology, Ministry of Health and General Administration of Quality Supervision Inspection and Quarantine, which enhanced the oversight capacity of China in a comprehensive manner. National committee on the safety of genetically modified organism has been set up, which is responsible for safety evaluation, technical consultation and guidance on technical researches on agricultural genetically modified organism, inspection and quarantine, health and environment etc..

## II. Education and Awareness Raising

### China's Perspectives

7. To reinforce education and awareness raising of the Convention and its implementation is of great significance to raising the understanding of the public towards the Convention and strengthening scientists' awareness of the potential risks of scientific activities, so as to preventing release and proliferation of pathogenic microorganisms. States Parties are encouraged to actively engage in education and awareness raising of the implementation of the Convention through various forms including holding seminars or training courses. States Parties are also encouraged to strengthen information exchanges and draw useful experiences from each other through international cooperation.

### China's Practice

8. The competent authorities have reached out to relevant personnel through issuing notices, distributing pamphlets and holding seminars and training courses, with a view to raising their awareness of the Convention and self-discipline to abide by the law. Such education and awareness raising activities mainly cover the laboratory safety management and technical training, biosafety licensing, preparedness for health emergency response and veterinary biosafety.

9. In order to further enhance biosecurity capacity-building during the period of Beijing Olympic Games, since 2007 Ministry of Health has held many special training courses on laboratory biosafety management, preparedness of emergency response to and handling of bioterrorism and emergency.

## III. Codes of Conduct for Scientists

### China's Perspectives

10. To regulate the activities of scientists and help them further understand and consciously implement the Convention is of significance to countering bioterrorism threat and preventing the abuse of biological technologies. Codes of Conduct and the relevant laws and regulations should supplement each other. Since different countries have different economic and scientific development levels and various management systems or practice, States Parties are encouraged to adopt Codes of Conduct according to their own national situations on a voluntary basis. For reference of States Parties, such Codes of Conduct may cover the following basic elements:

(i) All those who conduct the scientific research in the life sciences or related fields should comply with the basic guidelines for scientist, i.e., scientific activity should be based on benefitting the welfare of human being and the society and preservation of the nature.

(ii) All those related personnel should be fully aware of the purposes and objectives of the Convention and strictly abide by its provisions. They should firmly oppose the research, production or use of biological weapons and should not participate in or assist such activities.

(iii) Scientific research bodies and laboratories should adopt and abide by the biosafety and biosecurity operation practice, strengthen the administration on pathogenic microorganisms and the related personnel so as to foresee, assess and maximumly prevent the negative consequences on human kind, nature and society caused by the technical achievements.

(iv) If some activities violate the provisions of the Convention or might cause harm to human kind, society or nature, the personnel related should report to the competent authorities immediately. Once the violation or the dishonorable behavior is confirmed, measures of punishment shall be imposed accordingly.

11. States Parties should further promote the awareness of the Convention, educate biological scientists and raise their awareness of self-discipline so as to minimize the risks of the proliferation of biological weapons related materials and technologies at the initial stage. Meanwhile, a full play should be given to the scientific society and professional associations on their role of supervision.

**China's Practice**

12. China attaches importance to the education on biosafety and scientific moralities for biological scientists and teachers. A series of measures have been taken, which mainly include the following:

(i) According to *the Amendment III to the Criminal Law*, any illegal manufacturing, transporting, storing, using or robbing infectious pathogens constitutes a crime. The Export defined by *the Regulations on Export Control of Dual-Use Biological Agents and Related Equipment and Technologies* covers not only normal trade, but also transfer of technology by way of exchange, exhibition and aids. *Regulations on biosafety management in pathogenic microorganism laboratories* puts relevant research, teaching and detection activities under the supervision. The above mentioned laws and regulations provide a solid legal basis in regulating the activities of the public, including biological scientists and personnel dealing with science and technology.

(ii) Most of the scientific research institutions have set up relevant ethical criterion. For example, China Academy of Sciences (CAS) has adopted *the Guidelines of Self-Discipline on Scientific Ethics of Academician*, requiring that all academicians abide by Scientific Ethics, strictly comply with and safeguard the ethics related to national security, ecological, environmental safety and health safety. China Association of Science and Technology and the CAS have their own commissions on ethics and rights of scientists and engineers, which are especially responsible for dealing with scientists' conduct and moral character.

(iii) Efforts are made in many colleges and universities to foster the consciousness of scientific ethics and social responsibilities of teachers and students through adoption of ethical regulations.

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