

5 G Revolution and the Right to Health

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ABSTRACT

In a time when the society is dependent of the Internet and everything that involves its use, and competition on the international market is fierce, the emergence of a new technology can only arouse interest and increase the number of users.

In this context, the question arises how safe 5G technology is for humans and the environment, as more and more researchers begin to discover the harmful effects of its implementation. This is why it is important for international human rights institutions to draw attention to the authorities, when they are aware of possible violations of these rights.

The article wishes to underline the importance of human rights institutions, such as the Ombudsman in respecting the right to health and in effective involvement in stopping any scourge against human and its best interests. Thus, the application of the precautionary principle must be respected, as more and more voices, with expertise from the public space, draw attention to the latent danger of 5G technology.

KEYWORDS: *Human rights, environment, Ombudsman, 5 G technology, health protection*

1. Introduction

The right to a healthy environment is one of the fundamental human rights indispensable to humanity.

With the UN Stockholm Convention of 1972, in which the participating countries, in number of 113, brought to the fore the destructive activity of human beings in terms of relation with the environment, the need for national human rights institutions and implicitly of the fundamental right to a healthy environment, closely linked to the right to life and physical and mental integrity, was evident.

During the conference, several topics were discussed, namely global pollution, disappearance of resources, environmental degradation, disappearance of certain species and the need to improve the standard of living of people, etc¹⁾.

¹⁾ Moroianu Zlătescu, I., 2007, *Human rights: a system in evolution*, Bucharest, Romania: IRDO Ed., p. 168.

Theoretical aspects

Last but not least, the new millennium has brought with it the protection of fundamental values, such as freedom, as the supreme right that implies respecting the dignity of the human being, whether male or female, with all that it entails. Then there are the other rights, namely: equality in rights and opportunities, between men and women, solidarity between individuals and society, in accordance with the principles of equity and social justice, tolerance towards all human beings, regardless of race, nationality, religion., sex, respect for the environment, so for nature, a principle that implies the management of the resources that have been given to us in a prudent and judicious manner, the responsibility, which implies the management by the states of the economic and social development of the world and of the threats to address of international peace and security. These values were stated in the Millennium Declaration, a United Nations conception. Even though these values are outlined in the document in the context of relations between states, they are human rights, from where they were, in fact, taken over and extended to the level of international cooperation, taking into account both the obligations of the states towards their own citizens, as well as and the collective responsibility they have assumed in the conditions of increasing interdependence and deepening the process of globalization²⁾.

The year 1991 is of particular importance for the national institutions for the promotion and protection of human rights because Paris was the host of the international meeting on these issues. The conclusions of this seminar were retained and used by Resolution no. 54/1992 of the UN Commission on Human Rights, entitled Principles on the Statute of National Institutions, briefly named "Paris Principles", and subsequently, the General Assembly of the United Nations approved them by Resolution no. 48/134 of December 20, 1993.

These "principles" were intended to encourage states to set up or strengthen national human rights institutions.

Both the Declaration and the Program of Action, adopted by the 1993 World Conference in Vienna, reaffirmed the paramount role of national institutions, "especially as advisers of the competent authorities, in the action aimed at remedying violations of these rights. as well as regarding the dissemination of information on human rights, education in this field"³⁾.

One of the most beautiful and useful human rights institutions is the ombudsman institution. Whether we speak of the European Ombudsman, the Ombudsman of the Republic (France) of the People's Advocate of Romania, we cannot omit the *Treaty on European Union*, signed by the European Council on February 7, 1992, by which this institution was established. By the way this institution was conceived, it must represent a guarantor of respect for human rights, a mediator, a citizen trainer, for

²⁾ Moroianu Zlătescu, I., 2007, *Human rights: a system in evolution*, Bucharest, Romania: IRDO Ed., p. 200.

³⁾ Moroianu Zlătescu, I., 2007, *Human rights: a system in evolution*, Bucharest, Romania: IRDO Ed., p. 4.

the purpose of his education in relation to bureaucracy, as well as an instrument to protect it.

Dean M. Gottehrer, former president of the Association of Ombudsmen in the United States compares the Ombudsman to a canary in the hands of democracy, who, if it benefits from good legislation in which it can carry out his activity, will be able to sing, demonstrating through its singing, the state of health of itself and its country⁴⁾.

Regarding the right to health, it cannot exist separately from the right to a healthy environment and to the right to life and physical and mental integrity.

In recent years we are witnessing a breakthrough in technology, to a degree that we cannot cope with. We are connected to technology, in all our activity and we are almost powerless when some of the technology we are surrounded with does not work at normal parameters.

But is everything that surrounds us only for our own good, or are there hidden dangers that, in time, become the enemies of man, the one who adopted the technology, as an inseparable tool?

2. Scientific research

In this sense, many voices are raised today at the national and international level, requesting stopping the implementation of 5G technology, because its effects will, in a short time, affect the human, through the consequences, which can develop, at the health level. Prominent scientists continue to draw attention at the onset of 5G wireless networks, which promise customers faster internet speeds. They express concern, first and foremost, about climate change, as 5G networks will use a frequency band very close to that used by satellites to observe water vapor, which would lead to disastrous weather events⁵⁾. There are already studies at international level, which are the basis of many petitions regarding the potential effects that the implementation of 5G technology can have, not only on health, but also on the environment, respectively:

Affecting DNA structure, Oxidative damage, Interruption of cellular metabolism, decreased melatonin secretion, sleep disturbances, influence of weather forecasts that warn about possible extreme weather events, electromagnetic pollution, dermatological disorders, vision disorders, neurological disorders, depression & anxiety, carcinogenic risk, constant migraines, increased permeability of the blood-brain barrier,

In 2011, the World Health Organization stood that radio frequency radiation is a possible cancer factor 2B.

Switching from 3G to 4G does not mean the same as switching from 4G to 5G. 5G technology does not only mean 3.5 - 5.5 GHZ but can include equipment emitting up to 24GHZ and even above, up to 71GHZ. EU Member States, with a very high

⁴⁾ DEAN Gottehrer, M., *Fundamental Elements of An Effective Ombudsman Institution*, Stockholm 2009 Conference, International Ombudsman Institution, p. 1.

⁵⁾ <https://www.theverge.com/2019/10/28/20936197/5g-world-radiocommunication-conference-weather-forecasting-egypt>

level of development, have already rejected this technology. The Belgian Minister of the Environment has taken a stand against the implementation of a pilot project to provide wireless internet at 5G speed, in the country's capital.

"I cannot encourage such a technology if the radiation standards, which must protect the citizen, are not respected, with or without 5G," said Environment Minister Céline Fremault. "The residents of Brussels are not guinea pigs, they can sell their health for profit⁶⁾.

On the other hand, there are signals at the level of the insurance companies, thus, the famous insurance company, Lloyds of London, refuses to insure the health risks caused by the 5G wireless technologies.

There are researches in the field that have been published in the BioInitiative Report, a report that was prepared by 29 researchers worldwide, in which the biological effects caused by exposure to radio frequencies and radiation are described in detail. 5G, such as cell dysfunction, free radical formation⁷⁾.

Astrophysicist Aurélien Barrau drew attention a severe alarm about 5G technology.

On March 10, 2019, the astrophysicist posted on his Facebook account his reaction to the news of the launch of 5G technology. "So we are preparing for the 5G telephony network. Active. With frenzy and impatience! We will mount countless antennas, destroy the old ones, renew everything. This is the archetype that leads to disaster. Our structural inability to say it is enough, we do not need, nor crave for this useless pleasure, we reject this lethal idea, according to which everything that is technologically possible must be put into practice, just for the sake of pure consumerism. The question is not whether to build nuclear or wind power stations to supply all these⁸⁾.

Researchers in the field draw attention to the harmful effects of radiation on plants, so on consumer foods.

And Armenian researchers have shown that low-intensity MWs "invoke changes in the spectrum of peroxidase isoenzymes of wheat shoots." Peroxidase is a stress protein in plants. Thus, that 5G will be just as harmful to plants as it is to humans.

On the other hand, the activity of birds and bees will be affected by the effects of 5G technology, according to another researcher in the field, Alfonso Balmori. He studied the behaviour of sparrows and rattlesnakes, concluding as a result, "deterioration of feathers, problems of locomotion, the disappearance of some species and the death in worrying number of other species

A study by the Loyola College in Chennai in 2012 concluded that out of 919 studies on birds, plants, bees and other animals and humans, 593 of them showed the worrying impact of RF-EMF radiation.

⁶⁾ <https://www.brusselstimes.com/brussels/55052/radiation-concerns-halt-brussels-5g-for-now/>

⁷⁾ <https://bioinitiative.org/>

⁸⁾ <https://www.facebook.com/photo.php?fbid=2149628725115796&set=a.579149472163737&type=3&theater>

Even in Romania, the voices of those who oppose 5G technology are few, so that there were several debates and conferences on this topic.

In Romania there is a draft emergency ordinance, which was launched in public debate, on the website of the Ministry of Communications and Information Technology, to simplify the procedure for authorizing the execution of construction works on the physical infrastructure of electronic communications networks. Thus, the urgent installation of the components of the 5G communications networks and the functioning of the RO-ALERT system are envisaged, allowing the installation of the electronic infrastructure on any kind of terrain.

One question that remains is whether there will be public institutions that will take the lead, as has been done in other EU countries.

Maybe the Ministry of Environment should review the studies in the field to show the effects that this new technology could develop among the population of Romania.

National Ombudsmen, through their legal prerogatives, can take attitude and signal certain problems that they, in their turn, can find out from the media, or from any other source, aiming at possible violations of citizens' rights and freedoms. Whether it is ex-officio reports, investigations, special reports, it can trigger certain alarm signals, acting as a mediator between the citizen and the public authorities.

Every 3 or 4 years the Global Radiocommunication Conference takes place, this year, in Egypt, at Sharm el-Sheikh, where authorities around the world will conclude international agreements on how companies will be able to use the frequencies for 5G transmissions.

But all these changes do not give us the right to remain indifferent to what is happening around us.

3. Conclusions

Even if the new technology comes packaged attractively, pointing out the speed will have implementing 5G technology, ombudsman institutions should not remain indifferent to the possible effects that its implementation will bring. Through the attributions they have been invested by the law, it must be ensured that the fundamental rights provided by the Constitution will be respected.

Thus, a debate in Parliament in such a sensitive field for our country, will be necessary, as constitutional rights are being discussed, and in the field of constitutional laws no emergency ordinances are adopted, according to the provisions of paragraph (6) of art. 113 of the Romanian Constitution.

On the other hand, the Ombudsman must ensure that the precautionary principle, which European states have already adopted, is respected due to the alarm signals received from scientists and environmental organizations.

Therefore, the role of the institution is to monitor, at all times, the observance of the rights and freedoms of citizens, whether it is the respect of the right to life and physical and mental integrity, or the respect of the right to health or to the healthy environment.

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