**Concept note**

**Regional consultation**

**Draft General Recommendation N°37**

**Racial discrimination in the enjoyment of the right to health**

**5 March 2024, 16h–19h CET / 10h–13h EST**

**via Zoom**

1. **Introduction**

At its 107th session, the [Committee on the Elimination of Racial Discrimination](https://www.ohchr.org/en/treaty-bodies/cerd) initiated the process of elaborating a General Recommendation on racial discrimination in the enjoyment of the right to health. The Committee held a [day of general discussion](https://www.ohchr.org/en/events/days-general-discussion-dgd/2022/thematic-discussion-racial-discrimination-and-right-health) with the participation of States parties to the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), United Nations entities and specialized agencies, international and regional intergovernmental organizations, national human rights institutions, civil society organisations, health professionals’ associations, academics and other interested stakeholders. The event focused on the need to clarify and provide guidance on the obligations under the ICERD regarding the right to health.

Following the day of general discussion, the Committee began the process of drafting the General Recommendation N° 37 on racial discrimination in the enjoyment of the right to health and adopted its first draft at its 109th session, held from 11 to 28 April 2023. The [first draft is available](https://www.ohchr.org/en/documents/general-comments-and-recommendations/first-draft-general-recommendation-no-37-2023-racial) in English, French and Spanish.

This draft General Recommendation identifies common concerns regarding racial discrimination in the enjoyment of the right to health and aims at providing guidance on measures to address them, in line with the Convention. This draft focuses on obligations, legal standards and principles set by the Convention. It also provides recommendations to State parties and other stakeholders in relation to racial discrimination and the right to health.

The Committee started organizing regional consultations aiming to provide an opportunity to various stakeholders, in particular grassroots organisations, to contribute to its first draft of its General Recommendation. In 2023, the Committee organized three regional consultations with participants from Latin America, French speaking countries in Africa, Asia, and the Pacific.

1. **Objectives**

The consultation aims to facilitate a discussion and an exchange among various **stakeholders in Europe, North America, the Caribbean and English-speaking countries in Africa**, in particular civil society organisations, national human rights institutions, health professionals’ associations, and academics to comment and contribute to the draft General Recommendation No. 37 on racial discrimination in the enjoyment of the right to health. It also aims to enrich the draft General Recommendation and ensure an inclusive approach by incorporating the issues and aspects raised by the stakeholders during the regional consultations.

**Date**

The consultation will take place online via Zoom on **5 March 2024 between 16h–19h CET / 10h–13h EST.**

1. **Format**

The consultation will include three panel discussions on three different themes related to racial discrimination in the enjoyment of the right to health. A fourth panel discussion will be dedicated to general issues and observations related to the draft general recommendations.

##### Schedule [5.3.2024, 16h–19h CET / 10h–13h EST]

|  |  |
| --- | --- |
|  |  |
| 16H–16H08 (CET)  10h-10h08 (EST) | **Opening statements**   * Ms. Christina Saunders, Secretary of the Committee on the Elimination of Racial Discrimination - Opening of the meeting (2 mins) * Presentation by Ms Tina Stavrinaki, Vice-Chairperson of the Committee on the Elimination of Racial Discrimination and Rapporteur of the General Recommendation, to introduce the draft general recommendation (5 mins) |
| 16H10-16H50 (CET)  10h10 - 10h50 (EST) | **Part I - Theme: Climate change and environmental racism**  Discussion with participants to share their views on climate change, environmental racism, and the right to health and how to reflect these issues in the draft general recommendation. The following questions aim at guiding the interested participant in this discussion:   * **Measures to prevent, mitigate and protect communities exposed to environmental racism and the disproportionate effect of climate change and the exploitation of natural resources (laws, policies, community-based solutions)?** * **How to ensure the conduct of timely human rights, health and environmental impact assessments and the right of access to information at all stages?** * **How to ensure a meaningful consultation process to obtain the free, prior, and informed consent of impacted communities, as well as on mitigation measures, compensation for damages or losses suffered?** * **How to support victims of violations of the right to health due to environmental racism? What are the tools and avenues that may be useful to support their access to justice at the national, regional, and international levels?**   **Moderated by Ms. Gay McDougall, member of the Committee on the Elimination of Racial Discrimination** |
| 16H50-16H55 (CET)  10h50 - 10h55 (EST) | **Break** |
| 16H55-17H35 (CET)  10h55–11h35 (EST) | **Part II - Theme: Traditional medicine**  Discussion with participants to share their views on traditional medicine in the enjoyment of the right to health and how to reflect this issue in the draft general recommendation. The following questions aim at guiding the interested participant in this discussion:   * **What measures are being taken to protect traditional medical knowledge and to accommodate traditional practices and medicine within the health system?** * **What measures are taken to verify that traditional medicine and practices are respected without compromising the quality standards required to protect the health and the right to free and informed consent of the person protected by the Convention?** * **In your country/region are you aware of good examples of culturally sensitive care or an approach to healthcare delivery that recognizes and respects the unique cultural background of each patient including understanding how racism, inequality, colonialism, and other forms of oppression may affect a person’s access to healthcare?**   **Moderated by Ms. Pansy Tlakula, member of the Committee on the Elimination of Racial Discrimination** |
| 17H35–17H40 (CET)  11h35–11H40 (EST) | **Break** |
| 17H40–18H20 (CET)  11H40–12H20 (EST) | **Part III - Theme: Harmful practices**  Discussion with participants to share their views on harmful practices and their adverse impacts on the enjoyment of the right to health and how to reflect this issue in the draft general recommendation. The following questions aim at guiding the interested participant in this discussion:   * **How to refrain from cultural bias in the identification of harmful traditional practices?** * **What are the good practices and challenges in eliminating harmful practices and their effects?** * What challenges are there for victims of harmful practices in accessing health care services? * **What are the effective and successful tools in awareness-raising campaigns to ensure that victims of harmful practices and their communities are not stigmatized and discriminated against by health providers?** * **How to ensure meaningful participation by communities in this process?** * **How to design safe reporting channels for victims to ensure their protection and access to justice?**   **Moderated by Ms. Tina Stavrinaki, Vice-Chairperson of the Committee on the Elimination of Racial Discrimination and Rapporteur of the General Recommendation** |
| 18H20–18H25 (CET)  12H20–12H25 (EST) | **Break** |
| 18H25–18H55 (CET)  12H25–12H55 (EST) | **Part IV - Theme: General observations on the first draft of the General Recommendation N° 37 on racial discrimination in the enjoyment of the right to health**  Discussion with participants to share their views on the first draft of the General Recommendation N° 37 on racial discrimination in the enjoyment of the right to health. The following questions aim at guiding the interested participant in this discussion:   * **Based on your experience, provide examples of good practices for combating racial discrimination in the enjoyment of the right to health and to ensure the access to healthcare, medicines, and health services for all groups vulnerable to racial discrimination?** * **Additional observations on how to strengthen an intersectional approach to the right to health in the first draft of the General Recommendation No. 37 including with regards to age, gender, gender identity, sexual orientation, socioeconomic status, disability, class, income, migratory status?** * **Any recommendations on transformative measures?** * **What are your suggestions, ideas and concepts that could be included in the draft general recommendation to better reflect the context in your country and the region?** * **What aspects are missing or need additional explanation in the draft general recommendation?**   **Moderated by Mr. Michal Balcerzak, Vice-Chairperson of the Committee on the Elimination of Racial Discrimination** |
| 18H55–19H (CET)  12H55–13H (EST) | * Conclusion and presentation of planned next steps Ms Tina Stavrinaki, Vice-Chairperson of the Committee on the Elimination of Racial Discrimination (approx. 5 min) |

1. **Participation**

During the discussion segments, interested participants will take the floor to exchange on racial discrimination in the enjoyment of the right to health as well as on the challenges encountered. **Each oral intervention should be limited to 2 minutes.** Please note that due to high number of registered speakers the speaking time may be reduced (registered speakers will be informed by email about the duration of each intervention on 1 March). The consultation aims at allowing a balanced participation from all regions.

Oral intervention should be direct and related to the topic of each panel discussion. The oral intervention should not use abusive language or politically motivated.

Participants are strongly encouraged to submit their interventions by e-mail to [ohchr-cerd-gr37@un.org](mailto:ohchr-cerd-gr37@un.org) before the day of the consultation and no later than two days afterwards.

Please note that the consultation will be in English and that no interpretation will be available.

To ensure effective discussion, the consultation will be conducted under the Chatham House Rule, which means that participants are free to use the information received, but that neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

Please note that only the name that you have indicated in the registration form (see below) as your “Zoom username” will be displayed, and that turning your video on during your intervention is not mandatory, for example if there are any protection concerns. All other information submitted in the registration form will only be used by the Office of the High Commissioner for Human Rights to facilitate and organize the regional consultation and will not be communicated to third parties.

1. **Registration**

Interested participants should register via the link below **before** **29 February 2024**.

**Registration link:** [**here**](https://forms.office.com/e/SbrPcW2bC0?origin=lprLink)

You will receive an e-mail confirming your registration once you have completed the registration form.

Registered participants will receive the Zoom link by email on 1 March 2024.

Only registered participants can access and take part in the consultation. Please do not share the Zoom link with others as this is a private meeting.

If you have any questions, please contact the secretariat by e-mail: ohchr-cerd-gr37@un.org