**Amendments to the First Draft General Recommendation No. 37 (2023) on Racial Discrimination in the Enjoyment of the Right to Health Made by the Government of the People’s Republic of China**

China noted that the Committee on the Elimination of Racial Discrimination (“the Committee”) had invited all States parties of International Convention on the Elimination of All Forms of Racial Discrimination (“the Convention”) to make contributions to the first draft general recommendation No. 37 (2023) on racial discrimination in the enjoyment of the right to health (“the Draft”). China is of the view that health is closely connected to the common well-being of humankind, and that respecting and safeguarding the right to life and the right to health are common values of humanity. The international community should strengthen cooperation and take concrete actions to jointly address health challenges.

Article 9 of the Convention stipulates that the Committee may make general recommendations based on the examination of the reports and information received from the States parties. Meanwhile, in accordance with Rule 67 of the Committee's Rules of Procedure (CERD/C/35/Rev.3), the making of general recommendations is intended to assist States parties in fulfilling their obligations. In this regard, when making general recommendations, the Committee should strictly adhere to the mandate of the Convention with the aim of assisting States parties in their implementation, and should avoid creating new obligations for States parties by expansive interpretation of the provisions of the Convention. At the same time, general recommendations should be made on the basis of information submitted by States parties, ensuring that the source of the information is authoritative and reliable and that the views of States parties are fully respected. Those issues on which States parties have divergent views should not be included in the general recommendations.

In view of the above, China would like to propose the following amendments to the specific content of the Draft:

**I. Concerning family planning.** Paragraph 12 (b) (vi) of the Draft equates family planning with "restrictive conditions under which law permits access to sexual and reproductive information, services, and medicine". China is of the view that family planning measures such as contraception, prevention and reduction of unintended pregnancies could not be categorized as racial discrimination, and suggests that relevant part be deleted.

**II. Concerning forced sterilizations.** Paragraph 21 of the Draft mentions that forced sterilizations violate the rights of women within the purview of the Convention to reproductive autonomy, access to information, etc. China is of the view that the provisions of the Convention do not address the issue of gender and reproductive health rights. Relevant rights have already been protected and discussed under the Convention on the Elimination of All Forms of Discrimination against Women. It is suggested that this paragraph be deleted.

**III. Concerning the disclosure of patient's health information.** Paragraph 25 of the Draft requires States parties not to disclose health information in racially motivated acts without the consent of the patient. China is of the view that the relevant phrase exceeds the authorization of the Convention and the mandate of the Committee, and proposes that it be deleted.

**IV. Concerning artificial intelligence.** Paragraph 42 of the Draft calls on States parties to adopt a "human rights-based approach" to eliminating racial discrimination and promoting the realization of the right to health in the field of artificial intelligence. China is of the view that, given that no consensus has yet been reached on the cross-cutting issue of human rights in the field of artificial intelligence, the phrase "human rights-based approach" should be deleted or replaced by "(an) approach that respects human rights".

**V. Concerning waivers of intellectual property protections.** Paragraph 63 of the Draft calls on States parties to take measures, including but not limited to temporary waivers of intellectual property protections on healthcare technologies, to promote international cooperation in the field of the right to health. China is of the view that the relevant content is beyond the authorization of the Convention and the mandate of the Committee, and suggests that it be deleted.

**VI. Concerning the negotiations and drafting of the WHO convention.** Paragraph 65 of the Draft encourages that the provisions relating to discrimination in the negotiation process of WHO CA+ to be literally consistent with the Convention. China is of the view that the relevant provisions exceeds the authorization of the Convention and mandate the Committee, which should be determined by the Intergovernmental Negotiating Body (INB) and WHO’s Member States. It is suggested that this paragraph be deleted.