



The Global Initiative  
for Economic, Social and Cultural Rights

## **Oral Statement by the Global Initiative for Economic, Social and Cultural rights (GI-ESCR) to the thematic discussion: Racial discrimination and the right to health Day of General Discussion 2022 hosted by the Committee on the Elimination of Racial Discrimination**

*23 August 2022*

Thank you, Ms Chair,

We thank the Committee for the opportunity to present this statement on the potential negative human rights impact and racial discrimination when health care services are provided by private actors.

On the question of **classifying actors**, GI-ESCR recommends that any human rights analysis of actors in healthcare should distinguish between commercial for-profit private actors, and non-profit private actors, such as non-governmental organisations, faith-based organisations, self-organised, grassroot initiatives in communities or other forms of private non-commercial actors.

Our research has found that these typologies have significant human rights implications. For instance, in reports we published on [Italy](#), [Kenya](#) and [Nigeria](#) during COVID-19, we show that the right to health is undermined when States excessively rely on *for-profit* actors to deliver healthcare services. [Treaty bodies](#) have also highlighted how privatisation can undermine equal access to healthcare for disadvantaged groups and people living in vulnerable situations. For instance, in a review of the Czech Republic, the Committee on Economic, Social and Cultural Rights raised concern with 'reports that migrants [had] been refused enrolment in private health insurance schemes or asked to pay prohibitive premiums'. The Committee urged the State party to ensure that private insurance providers do

not interfere with the right to equal, adequate, affordable and accessible health care to all.

States have an obligation to ensure that quality health services are accessed without discrimination, including on racial grounds, regardless of who is providing the service. Our [report](#) exploring a human rights impact assessment framework includes the following State obligations:

- to protect the right to health when a third party is involved through effective monitoring, evaluation and regulation by the State;
- to ensure that any private involvement in healthcare does not undermine the accessibility, availability, acceptability and quality of healthcare;
- to assess privatisation plans to ensure that that they do not interfere with the fulfilment of the right to health at the maximum of their available resources;

We urge the Committee to advocate for higher regulation and monitoring of private actors in healthcare in line with the enjoyment of the right to health without discrimination.

Thank you.

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