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Title of paper: More than the sum of its parts: Theorizing and applying a synergistic approach to racial discrimination and the right to health

Abstract:

After World War II racial discrimination was one of the first issues taken up by the fledgling UN. Despite significant accomplishments, including the widespread ratification of the ICERD, the issue of race is still relevant today as evidenced by persistent racial inequalities such as the excess of 100,000 deaths per year in the United States (US) that can be blamed on racial health inequalities.^{1,2} ICERD guarantees freedom from discrimination on the basis of race in the enjoyment of a range of rights including the sometimes nebulous right to health.³ As policy makers have explored the right to health as outlined in the ICESCR, little has been said about its meaning under ICERD.

To address this issue this paper presents an interpretive model, the *Synergistic Approach* that utilizes normative texts on the right to health as well as public health data. This new model, asserts that the familial texts on the right to health developed by the CESCRC should be utilized to interpret States obligations under Article 5(e)iv of the ICERD. These texts allow for clarification of State obligations under the article. Upon this basis, an examination of existing conditions related to racial discrimination in the enjoyment of the right to health can be made. A proposed application of the model will include examination of the US which has ratified ICERD and which has a legacy of racial discrimination as a result of slavery and segregation. Other developed contexts such as the UK, Canada and Australia will also be explored.

Acronyms:

CESCR: Committee on Economic, Social and Cultural Rights
ICERD: International Convention on the Elimination of all forms of Racial Discrimination
ICESCR: International Covenant on Economic, Social and Cultural Rights
UN: United Nations
UK: United Kingdom of Great Britain and Northern Ireland
US: United States

¹ Office of the United Nations High Commissioner for Human Rights, "International Convention on the Elimination of all forms of Racial Discrimination New York, 7 March 1966" <<http://www.ohchr.org/english/countries/ratification/2.htm>> accessed 7 December 2006

² RS Levine et al, "Black-White inequalities in mortality and life expectancy, 1933-1999: Implications for Health People 2010" *Public Health Reports* 116, no.5 (2001): 474-483

³ *International Convention on the Elimination of all forms of Racial Discrimination*, adopted and opened for signature and ratification by UN General Assembly Resolution 2106 (XX) on 21 December 1965. Entered into force on 4 January 1969. <<http://www.ohchr.org/english/law/cerd.htm>> accessed 30 March 2007