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Statement by Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

67th Commission on the Status of Women

Interactive dialogue Review theme Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls

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Dear colleagues,

It is an honour to address you today. My name is Dr Tlaleng Mofokeng and I am the Special Rapporteur on the right to health.

For millions of people throughout the world, the full enjoyment of the right to the highest attainable standard of physical and mental health remains a distant goal. In many cases, this goal is becoming even harder to reach. This is especially true for those in vulnerable situations including, women and girls and in rural settings.

The right to health is a fundamental part of our human rights and of our understanding of a life in dignity. States have committed themselves to protecting this right through international declarations, domestic legislation and policies, and at international conferences.

I take this opportunity to remind all stakeholders the International Covenant on Economic, Social and Cultural Rights. Human Rights are about rights holders. The obligations under the right to health are about fulfilling, respect, promoting rights to ensure a life of dignity.

The entitlement under the right to health includes a right to information including sexual and reproductive health information. General Comment No. 14 adopted by the Committee on Economic, Social and Cultural Rights: speaks to the obligation to provide education and access to information concerning the main health problems in the community and; to provide appropriate training for health personnel, including education on health and human rights.

The increase in the uptake of digital tools, technology and innovation in health settings provides an opportunity to catch up on the infrastructure and, data connectivity often still missing in rural settings around the world. These benefits will be felt in the education, employment, food systems as lessons learnt can be upscaled to benefit women and girls.

The Agreed Conclusions emphasized action in three **key policy areas**: and all speak to the underlying determinants of health.

1. **Strengthening normative, legal and policy frameworks:** the obligation to fulfil requires States parties, inter alia, to give sufficient recognition to the right to health in the national political and legal systems, preferably by way of legislative implementation, and to adopt a national health policy with a detailed plan for realizing the right to health. This obligation entails also the States to take positive measures that enable and assist individuals and communities to enjoy the right to health.
2. **Implementing economic and social policies for the empowerment** of rural women and girls: States have a duty to adopt legislation or to take other measures ensuring equal access to health care and health-related services provided by third parties. States should also ensure that third parties do not limit people's access to health-related information and services especially for women and girls in rural settings as many of their services, goods, facilities are provided for or enabled by donors and other non-State actors. There is no place for sex or gender essentialism under the framework of the right to health.
3. Under the right to health framework, a Human rights-based approach includes, equality, non-discrimination, meaningful participation, transparency and accountability. It is important to focus on quality care and disaggregated data, as this is by adopting this human rights-based approach that the third key policy will be realised – **Strengthening the collective voice, leadership and decision-making** of all rural women and girls is important and their diversity, autonomy and power must be respected, and they must not be seen merely as recipients of aid or people in need of saving.

I call on all States to ratify the International Covenant on Economic, Social and Cultural Rights. We must all commit to ensuring the right to a system of health protection providing equality of opportunity for everyone to enjoy the highest attainable level of physical and mental health of women and girls in rural settings. States have a specific and continuing obligation to move as expeditiously and effectively as possible towards the full realization of the right to health.

I have prepared a report on digital innovation and technology and the right to health which I will present to the HRC in June 2023 with the aim of providing analysis and recommendations on human right approaches to digital and health.

Thank you.