

Achieving Affordable Universal Health Coverage for the Poorest Populations in Africa: A Human Rights Perspective

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Abstract

This paper discusses how the right to health can be attained in Africa by fostering Universal Health Coverage (UHC) for the continent's poorest populations. The paper defines UHC. It observes that UHC is an effective approach towards fostering the human right to health since it ensures that all people have access to quality, affordable, reliable and modern health services. In particular, the paper notes that achieving UHC is vital towards promoting the human right to health in Africa where poverty prevents millions of people from accessing health services. The paper examines the progress made towards fostering UHC in Africa and challenges therefore. In addition, it discusses how Africa can ensure affordable UHC for the continent's poorest populations towards promoting the right to health for human well-being, dignity, progress and development.

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1.0 Introduction

Health is fundamental human right. According to the World Health Organization (WHO), the enjoyment of the highest attainable standard of health is one of the fundamental rights that every person is entitled to without distinction of race, religion, political belief, economic or social condition¹. In addition, WHO notes that the health of all peoples is fundamental to the attainment of peace, security and development and is dependent upon the fullest co-operation of individuals and states². It has been observed that the right to health extends beyond access to health care and includes a wide range of factors that can help everyone to lead a healthy and dignified life³. These factors include safe drinking water and adequate sanitation, safe food, adequate nutrition and housing, healthy working and environmental conditions, health related education and information, and gender equality in health services⁴.

Attaining the human right to health is vital in ensuring human well-being, progress and development at all levels. Good health is considered humanity's most basic and essential asset⁵. Good health is at the cornerstone of enhancement and improvement of overall wellbeing and human development since it enables human beings to undertake social, economic and cultural activities as well partake in civil and political activities⁶. As a result, it has been correctly noted that health is both a basic human right in itself and an essential means for the realisation of other human rights⁷.

Realising the human right to health is key in the pursuit of Sustainable Development. The *2030 Agenda for Sustainable Development*⁸ acknowledges that good health and well-being are key in empowering individuals, communities and nations to pursue the economic, social and environmental goals of sustainability. Sustainable Development Goal (SDG) 3 aims to ensure healthy lives and promote well-being for all at all ages for human progress and development⁹.

Despite its role in ensuring human well-being, dignity, progress and development, achieving the human right to health remains a challenge all over the world. In particular, it has been observed that developing countries face challenges including poverty, underequipped health facilities, inability of the infrastructure in place to meet existing health demands, inadequate human resource in health sectors and gender

¹ Constitution of the World Health Organization., Available at <https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf> (Accessed on 31/03/2026)

² Ibid

³ Office of the United Nations High Commissioner for Human Rights., 'The Right to Health.' Available at <https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet31.pdf> (Accessed on 31/03/2026)

⁴ Ibid

⁵ Ibid

⁶ Nampewo. Z., Mike. J., & Wolff. J., 'Respecting, Protecting and Fulfilling the Human Right to Health.' *International Journal of Equity in Health*, Volume 21, No. 36 (2022)

⁷ Ibid

⁸ United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 31/03/2026)

⁹ Ibid

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inequalities which undermine the ability of citizens to access quality, modern and affordable health services¹⁰. In light of these challenges, WHO asserts that all countries have a legal obligation to develop and implement legislation and policies that guarantee universal access to quality health services and address the root causes of health disparities, including poverty, stigma and discrimination¹¹.

This paper discusses how the right to health can be attained in Africa by fostering Universal Health Coverage (UHC) for the continent's poorest populations. The paper defines UHC. It observes that UHC is an effective approach towards fostering the human right to health since it ensures that all people have access to quality, affordable, reliable and modern health services. In particular, the paper notes that achieving UHC is vital towards promoting the human right to health in Africa where poverty prevents millions of people from accessing health services. The paper examines the progress made towards fostering UHC in Africa and challenges therefore. In addition, it discusses how Africa can ensure affordable UHC for the continent's poorest populations towards promoting the right to health for human well-being, dignity, progress and development.

2.0 Universal Health Coverage in Africa: Progress and Challenges

According to WHO, UHC means that all people have access to the full range of quality health services they need, when and where they need them, without financial hardship¹². UHC covers access to the full continuum of essential health services, ranging from health promotion to prevention, treatment, rehabilitation and palliative care¹³. It has been observed that UHC is a global goal anchored on the human right to health¹⁴. It envisages the ability of all human beings to access quality and reliable health services when they need them without facing financial barriers¹⁵. UHC aims to make healthcare more accessible, reliable, equitable, responsive and affordable by improving how it is financed and delivered across the whole spectrum of care¹⁶.

UHC has been described as the foundation of the human right to health since it ensures that everyone, particularly the most vulnerable populations, has access to quality health services without experiencing financial hardship¹⁷. Achieving UHC is vital in fostering the human right to health and enhancing the

¹⁰ Muigua. K., 'Ensuring Healthy Lives and Well-being for All Kenyans.' Available at <https://kmco.co.ke/wp-content/uploads/2020/12/Ensuring-Healthy-Lives-and-Wellbeing-for-All-Kenyans-Kariuki-Muigua-December-2020.pdf> (Accessed on 31/03/2026)

¹¹ World Health Organization., 'Human Rights' Available at <https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health> (Accessed on 31/03/2026)

¹² World Health Organization., 'Universal Health Coverage (UHC)' Available at [https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-\(uhc\)](https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-(uhc)) (Accessed on 31/03/2026)

¹³ Ibid

¹⁴ What is Universal Health Coverage?., Available at <https://csemonline.net/lessons/what-is-universal-health-coverage/> (Accessed on 31/03/2026)

¹⁵ Ibid

¹⁶ Ibid

¹⁷ World Bank Group., 'Universal Health Coverage' Available at <https://www.worldbank.org/ext/en/topic/health/universal-health-coverage> (Accessed on 31/03/2026)

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economic and social development of all nations¹⁸. It has been observed that UHC is a key element in reducing social inequality and a critical component of Sustainable Development and poverty reduction¹⁹. According to the United Nations, UHC is embedded in the SDGs and includes the full range of essential health services including health promotion, prevention, and treatment²⁰. SDG 3.8 seeks to achieve UHC including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all²¹.

Achieving affordable UHC is a key priority for Africa. It has been observed that most African countries still face challenges in promoting the human right to health²². The right to health in Africa is undermined by challenges such as inadequate government policies and legislation, prohibitive costs which limit access to health services and medical products for poor populations in the continent, weak public health infrastructure, ineffective referral systems and inadequate consideration of gender in health care delivery²³. It has been observed that many African challenges still multiple challenges of diseases and epidemics, inequitable health care systems, poverty, and the impacts of climate change and disasters which constrain health services in the continent²⁴. In particular, it has been observed that since Africa is home to a huge percentage of the world's poor, vulnerable individuals are usually deprived of their right to access health services and have to choose spending for essential goods or paying for health²⁵.

Addressing the foregoing challenges is vital towards upholding the human right to health in Africa. The *African Charter on Human and Peoples' Rights*²⁶ enshrines the right of every person in Africa to enjoy the best attainable state of physical and mental health²⁷. The Charter further requires all African countries to take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick²⁸. It has been argued that realizing the right to health in Africa depends on both the amount of health-care financing, its distribution between the public and private sectors, and the

¹⁸ World Health Organization., 'Universal Health Coverage (UHC)' Op Cit

¹⁹ Approaches to Universal Health Coverage and Occupational Health and Safety for the Informal Workforce in Developing Countries: Workshop Summary., Available at <https://www.ncbi.nlm.nih.gov/books/NBK373408/> (Accessed on 31/03/2026)

²⁰ United Nations., 'International Universal Health Coverage Day, 12 December' Available at <https://www.un.org/en/observances/universal-health-coverage-day> (Accessed on 31/03/2026)

²¹ United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Op Cit

²² World Health Organization., 'Realizing the Right to Health in the WHO African Region' Available at <https://www.afro.who.int/news/realizing-right-health-who-african-region#:~:text=Notable%20among%20reasons%20for%20these,related%20inequities%20constitute%20another%20challenge.> (Accessed on 31/03/2026)

²³ Ibid

²⁴ African Commission on Human and Peoples' Rights., 'Right to Health and its Financing in Africa: End Epidemics and Strengthen Systems that Uphold the Right to Health for All' Available at <https://achpr.au.int/sites/default/files/files/2023-03/right-healtheng.pdf> (Accessed on 31/03/2026)

²⁵ Ibid

²⁶ Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights* ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982)

²⁷ Ibid, Article 16 (1)

²⁸ Ibid, Article 16 (2)

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ways in which health care is financed²⁹. Achieving UHC in Africa is therefore vital in ensuring the continent's poorest populations have access to quality and reliable health services without financial constraints. It has been pointed out that investment in Africa's health systems through UHC is key for the continent's inclusive, equitable and sustainable growth³⁰. There has been some progress towards promoting UHC in Africa. For instance, it has been observed that most governments have prioritized UHC by integrating it into their health policies in the pursuit of affordable health care³¹. However, despite these efforts, progress in translating UHC commitments in Africa into expanded domestic resources for health, equitable and quality health services, and increased financial protection for the poor and vulnerable has been slow³². It has been observed that inadequate investments in health, shortage of healthcare workers, limited infrastructure, and insufficient medical supplies are some of the main barriers affecting the implementation of UHC throughout Africa³³. These challenges undermine the ability of the most vulnerable and marginalized segments of Africa's population from accessing health care and services. Consequently, it is imperative to achieve affordable UHC for the poorest populations in Africa towards fostering the human right to health.

3.0 Achieving Affordable Universal Health Coverage for the Poorest Populations in Africa

It is imperative to foster affordable UHC for the poorest populations in Africa in order to empower the vulnerable to enjoy the human right to health. UHC ensures that individuals and communities receive the health services they need without suffering financial hardship³⁴. According to WHO, UHC enables every person to access health services that address the causes of disease and death, and ensures that the quality of those services is good enough to improve the health of the people who receive them towards promoting human health and well-being³⁵. This approach is especially vital in protecting people from the financial consequences of paying for health services out of their own pockets, a situation that pushes millions into poverty because unexpected diseases and illnesses requires them to use up their life savings, sell assets, or borrow to seek health care³⁶. WHO estimates that every year, nearly 100 million people are pushed into poverty and over 150 million people suffer financial catastrophe because of out-of-pocket expenditure on health services³⁷. Achieving UHC is therefore key in ensuring that individuals and communities have access to affordable and reliable health services without financial difficulties.

²⁹ African Commission on Human and Peoples' Rights., 'Right to Health and its Financing in Africa: End Epidemics and Strengthen Systems that Uphold the Right to Health for All' Op Cit

³⁰ World Bank Group., 'Universal Health Coverage in Africa: A Framework for Action' Available at <https://www.worldbank.org/en/topic/universalhealthcoverage/publication/universal-health-coverage-in-africa-a-framework-for-action> (Accessed on 31/03/2026)

³¹ Langat. E.C et al., 'Challenges and opportunities of universal health coverage in Africa: A scoping review' Available at <https://ecommons.aku.edu/coe-wch/130/> (Accessed on 31/03/2026)

³² World Bank Group., 'Universal Health Coverage in Africa: A Framework for Action' Op Cit

³³ Langat. E.C et al., 'Challenges and opportunities of universal health coverage in Africa: A scoping review' Op Cit

³⁴ World Health Organization., 'Universal Health Coverage' Available at <https://www.afro.who.int/health-topics/universal-health-coverage> (Accessed on 31/03/2026)

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

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Implementing affordable UHC is particularly important in Africa where poverty undermines the ability of millions of citizens from accessing affordable, reliable and modern health care. It has been suggested that in order to achieve affordable UHC in Africa, it is necessary to promote equity in access to health services – everyone who needs services gets them³⁸; ensure that the quality of health services are good enough to improve the health of those receiving services³⁹; protect people against financial-risk associated with accessing health services by ensuring that the cost of using services does not put people at risk of financial harm⁴⁰; and foster accountability in the health sector in order to translate commitments relating to access, quality, and financial protection into action through transparency and citizen participation⁴¹.

Achieving affordable UHC is therefore a practical ideal for Africa. This involves enhancing investments in public health in order to enable all citizens to access affordable, reliable and modern health services⁴². Further, providing health insurance schemes and exploring innovative health financing mechanisms including through public-private partnerships is necessary towards enabling all citizens in Africa including the poorest populations to access affordable health services⁴³. In addition, addressing marginalization and inequalities in the health sector including through community engagement and gender-responsive health services is key in ensuring that the delivery of health care in Africa is appropriate, responsive and culturally-sensitive⁴⁴. Further, recognising and empowering traditional and complementary medicine services, organized around the comprehensive needs and expectations of people and communities in Africa can help empower them to take a more active role in their health and health systems⁴⁵.

It is imperative to implement the foregoing proposals towards achieving affordable UHC for the poorest populations in Africa.

4.0 Conclusion

Achieving affordable UHC in Africa is key towards enabling the poorest populations to enjoy the human right to health. It is necessary to fast-track this ideal by enhancing investments in public health, providing health insurance schemes for all citizens through innovating financing mechanisms, fostering gender equity and community participation in healthcare, and recognising and empowering traditional and

³⁸ Amref Health Africa., 'Universal Health Coverage (UHC).' Available at <https://amref.org/kenya/our-work/pillar-2-innovative-health-services-solutions/universal-health-coverage/> (Accessed on 31/03/2026)

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Ibid

⁴² African Development Bank Group., 'Strategy for Quality Health Infrastructure in Africa 2022-2030.' Available at https://www.afdb.org/sites/default/files/documents/publications/strategy_for_quality_health_infrastructure_in_africa_2022-2030.pdf (Accessed on 31/03/2026)

⁴³ African Commission on Human and Peoples' Rights., 'Right to Health and its Financing in Africa: End Epidemics and Strengthen Systems that Uphold the Right to Health for All' Op Cit

⁴⁴ Langat. E.C et al., 'Challenges and opportunities of universal health coverage in Africa: A scoping review' Op Cit

⁴⁵ World Health Organization., 'Universal Health Coverage' Op Cit

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complementary health and medicine services⁴⁶. Achieving affordable UHC for the poorest populations in Africa is necessary and possible towards attaining the human right to health.

⁴⁶ World Health Organization., 'Universal Health Coverage' Op Cit

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References

African Commission on Human and Peoples' Rights., 'Right to Health and its Financing in Africa: End Epidemics and Strengthen Systems that Uphold the Right to Health for All' Available at <https://achpr.au.int/sites/default/files/files/2023-03/right-healtheng.pdf>

African Development Bank Group., 'Strategy for Quality Health Infrastructure in Africa 2022-2030.' Available at https://www.afdb.org/sites/default/files/documents/publications/strategy_for_quality_health_infrastructure_in_africa_2022-2030.pdf

Amref Health Africa., 'Universal Health Coverage (UHC).' Available at <https://amref.org/kenya/our-work/pillar-2-innovative-health-services-solutions/universal-health-coverage/>

Approaches to Universal Health Coverage and Occupational Health and Safety for the Informal Workforce in Developing Countries: Workshop Summary., Available at <https://www.ncbi.nlm.nih.gov/books/NBK373408/>

Constitution of the World Health Organization., Available at <https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf>

Langat. E.C et al., 'Challenges and opportunities of universal health coverage in Africa: A scoping review' Available at <https://ecommons.aku.edu/coe-wch/130/>

Muigua. K., 'Ensuring Healthy Lives and Well-being for All Kenyans.' Available at <https://kmco.co.ke/wp-content/uploads/2020/12/Ensuring-Healthy-Lives-and-Wellbeing-for-All-Kenyans-Kariuki-Muigua-December-2020.pdf>

Nampewo. Z., Mike. J., & Wolff. J., 'Respecting, Protecting and Fulfilling the Human Right to Health.' *International Journal of Equity in Health*, Volume 21, No. 36 (2022)

Office of the United Nations High Commissioner for Human Rights., 'The Right to Health.' Available at <https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet31.pdf>

Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights* ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982)

United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>

United Nations., 'International Universal Health Coverage Day, 12 December' Available at <https://www.un.org/en/observances/universal-health-coverage-day>

Achieving Affordable Universal Health Coverage for the Poorest Populations in Africa: A Human Rights Perspective

What is Universal Health Coverage?., Available at <https://cseonline.net/lessons/what-is-universal-health-coverage/>

World Bank Group., 'Universal Health Coverage in Africa: A Framework for Action' Available at <https://www.worldbank.org/en/topic/universalhealthcoverage/publication/universal-health-coverage-in-africa-a-framework-for-action>

World Bank Group., 'Universal Health Coverage' Available at <https://www.worldbank.org/ext/en/topic/health/universal-health-coverage>

World Health Organization., 'Human Rights' Available at <https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health>

World Health Organization., 'Realizing the Right to Health in the WHO African Region' Available at <https://www.afro.who.int/news/realizing-right-health-who-african-region#:~:text=Notable%20among%20reasons%20for%20these,related%20inequities%20constitute%20another%20challenge>

World Health Organization., 'Universal Health Coverage (UHC)' Available at [https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-\(uhc\)](https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-(uhc))

World Health Organization., 'Universal Health Coverage' Available at <https://www.afro.who.int/health-topics/universal-health-coverage>