Right to Health in the Global South: Moving from Aspiration to Action through Technology and Artificial Intelligence

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Abstract

This paper critically examines the right to health in the Global South. The paper observes that despite its fundamental importance, realising the right to health remains a challenge for the Global South. The paper discusses the factors undermining the right to health in the Global South. In light of underlying challenges, the paper posits that it is imperative to utilise modern and sustainable approaches in order to promote the right to health in the Global South for Sustainable Development. In particular, the paper discusses how technology and AI can be utilised in order to move from aspiration to effective action towards achieving the right to health in the Global South.

1.0 Introduction

Health is a fundamental human right. It has been pointed out that regardless of age, gender, socio-economic or ethnic background, health is the most basic and essential asset that a human being can have[1]. Health has been described as both a basic human right in itself and an essential means for the realisation of other human rights[2]. For instance, good health is one of the many aspects of human well-being that is necessary for the enjoyment of all other human rights[3]. It has been correctly observed that 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 activities[4].

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 condition or any other status[5]. In addition, the World Health Organization (WHO) observes that every human being has the right to the highest attainable standard of physical and mental health[6]. It has been observed that the right to health extends beyond access to health care and includes a wide range of factors that can enable everyone to lead a healthy and dignified life[7]. These factors

[1] 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 18/11/2026)

[2] 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)

[3] Ibid

[4] Ibid

[5] Constitution of the World Health Organization., Available at https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf (Accessed on 18/11/2026)

[6] World Health Organization., 'Human Rights' Available at https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health (Accessed on 18/11/2026)

[7] Office of the United Nations High Commissioner for Human Rights., 'The Right to Health.' Op Cit

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 services[8].

The right to health has been embraced as a fundamental human right at the global, regional and national levels. For example, at the global level, the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*[9] recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health[10]. In addition, at a regional level, the *African Charter on Human and Peoples' Rights*[11] enshrines the right of every person to enjoy the best attainable state of physical and mental health[12]. The Charter requires 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 sick[13]. Further, at a national level, the *Constitution of Kenya*[14] enshrines the right of every person to the highest attainable standard of health, which includes the right to health care services, including reproductive health care[15].

Upholding the right to health is key in realising the Sustainable Development agenda. For example, the *2030 Agenda for Sustainable Development*[16] 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 development[17].

Despite its fundamental importance, several factors undermine attainment of the right to health across the world. Consequently, there is need for innovative approaches towards upholding the right to health for human dignity, well-being and progress.

This paper critically examines the right to health in the Global South. The paper observes that despite its fundamental importance, realising the right to health remains a challenge for the

[8] Ibid
[9] United Nations General Assembly, 'International Covenant on Economic, Social and Cultural Rights.' 16 December 1966, A/RES/2200.
[10] Ibid, Article 12 (1)
[11] 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)
[12] Ibid, Article 16 (1)
[13] Ibid, Article 16 (2)
[14] Constitution of Kenya, 2010., Government Printer, Nairobi
[15] Ibid, Article 43 (1) (a)
[16] 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 18/11/2026)
[17] Ibid

Global South. The paper discusses the factors undermining the right to health in the Global South. In light of underlying challenges, the paper posits that it is imperative to utilise modern and sustainable approaches in order to promote the right to health in the Global South for Sustainable Development. In particular, the paper discusses how technology and AI can be utilised in order to move from aspiration to effective action towards achieving the right to health in the Global South.

2.0 Examining the Status of the Right to Health in the Global South

Realising the right to health remains a challenge in the Global South. It has been observed that international and regional instruments establish clear normative standards on the right to health in Africa and the Global South and impose obligations on states to ensure the availability, accessibility, acceptability, and quality of health services[18]. However, significant disparities persist between legal recognition and effective implementation undermining attainment of the right to health[19]. It has been observed that challenges such as poverty, underequipped health facilities, inability of the infrastructure in place to meet existing health demands, inadequate human resource in health sectors and gender inequalities undermine the ability of many citizens, especially those in developing countries, to access quality, modern and affordable health services[20].

In particular, failure to promote Universal Health Coverage (UHC) hinders achievement of the right to health in the Global South. 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 hardship[21]. UHC envisages the ability of all human beings to access quality and reliable health services when they need them without facing financial barriers[22]. In particular, 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 care[23]. Despite its key role in promoting the right to health, 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 in Africa and the Global South[24]. Due

[18] Balew Liyew. E., 'The right to health in Africa: normative foundations and state accountability' Available at https://link.springer.com/article/10.1007/s44282-026-00369-8 (Accessed on 19/11/2026)
[19] Ibid
[20] 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 19/11/2026)
[21] World Health Organization., 'Universal Health Coverage (UHC)' Available at https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-(uhc) (Accessed on 19/11/2026)
[22] What is Universal Health Coverage?., Available at https://csemonline.net/lessons/what-is-universal-health-coverage/ (Accessed on 19/11/2026)
[23] Ibid
[24] 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 19/11/2026)

to failure to promote affordable UHC, most health care services in Africa and the Global South are financed from out-of-pocket expenditure[25]. It has been argued that this form of health financing is regressive since poorer households spend larger share of their income on health care than richer households – and it tends to further impoverish low-income households[26]. Failure to promote affordable UHC affects the right to health in Africa and the Global South since it causes people to avoid or delay using health-care services[27].

The right to health in the Global South is also negatively impacted by climate change. Despite being a global problem, the climate crisis fuels injustices and inequalities in the Global South. For example, it has been observed that despite their little contribution to the climate crisis, nations and communities in the Global South are extremely vulnerable to climate change and its impacts[28]. Nations, communities and individuals in the Global South are being disproportionately impacted by the adverse effects of climate change including flooding, sea-level rise, drought, heatwaves and wildfires[29]. It has been observed that climate change increases the disease burden and deaths in Africa and the Global South through health emergencies, air pollution, water pollution, and interruption
of food chain and nutrition[30]. Africa is particularly vulnerable to climate change with food and water insecurity further increasing the risk of regional conflicts, resulting in increased refugees and Internally Displaced Persons (IDPs), all of which further burden the already weak health systems and dwindling resources[31].

Attaining the right to health in the Global South therefore remains an elusive dream due to several unfavorable factors. Consequently, there is need to move from aspiration to action by fulfilling the right to health in the Global South. WHO notes that states have an obligation to deliver on their human rights commitment to ensure equitable and non-discriminatory access to effective, affordable and quality health services and the underlying determinants of health[32]. Consequently, there is need for a transformative approach towards promoting the right to health in the Global

[25] 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/en/documents/2023-03-28/right-health-and-its-financing-africa-end-epidemics-and-strengthen-system (Accessed on 19/11/2026)
[26] Ibid
[27] Ibid
[28] Giles. M., 'The Principles of Climate Justice at CoP27.' Available at https://earth.org/principles-ofclimatejustice/#:~:text=That%20response%20should%20be%20based,the%20consequences%20of%20clim ate%20change (Accessed on 19/11/2026)
[29] Climate Justice., Available at https://doh.wa.gov/community-and-environment/climate-and-health/climate-justice (Accessed on 19/11/2026)
[30] Chetty. M et al., 'African Global Health: An initiative committed to achieving Health Sovereignty in the Global South' https://africacdc.org/download/african-global-health-an-initiative-committed-to-achieving-health-sovereignty-in-the-global-south/ (Accessed on 19/11/2026)
[31] Ibid
[32] World Health Organization., 'Human Rights' Op Cit

South for Sustainable Development. In particular, technology and AI provide effective tools and solutions that can enhance the right to health in the Global South for Sustainable Development.

3.0 Utilising Technology and Artificial Intelligence towards Promoting the Right to Health in the Global South

Technology and AI provide innovative tools and solutions that can advance the right to health globally. WHO observes that health technologies include medicines, medical devices, assistive technologies, techniques and procedures developed to solve health problems and improve the quality of life across the world[33]. It has been observed that health technologies are used in all types of health facilities, play a major role in contemporary health-care systems, and contribute directly to the quality of patient care[34]. The application of modern technologies is strengthening the right to health including through digitization of medical records for efficiency, reduction of medical errors through enhanced access to information, improved patient care and education, and reduction of costs[35].

In particular, digital technologies are revolutionizing the delivery of health services towards fostering the right to health. It has been observed that harnessing the power of digital technologies and health innovation is vital towards accelerating global attainment of good health and well-being for all[36]. For example, by reducing the need for physical assessment through remote care, digital technologies can ensure the availability, accessibility and affordability of health services[37]. In addition, it has been observed that telemedicine and other digital forms of health care can improve the accessibility of health facilities, goods and services, especially for vulnerable groups including individuals who are living with disabilities or experience a lack of mobility, and other groups who are hard to reach thus ensuring equity and non-discrimination towards achieving the right to health[38]. Digital technologies are also enhancing access to health information enabling individuals to make informed decisions[39].

AI has emerged as a crucial digital technology that can promote the achievement of the right to health. It has been pointed out that advances in AI have allowed for the analysis of large medical data sets for prediction, forecasting, and drug and vaccine development[40]. AI is improving health outcomes through enhanced detection of diseases such as malaria and tuberculosis while also

[33] World Health Organization., 'Health Technologies' Available at https://www.who.int/europe/news-room/fact-sheets/item/health-technologies (Accessed on 19/11/2026)
[34] Ibid
[35] 5 benefits of technology in healthcare., Available at https://www.unotech.io/5-benefits-of-technology-in-healthcare (Accessed on 19/11/2026)
[36] World Health Organization., 'Digital Health' Available at https://www.who.int/health-topics/digital-health#tab=tab_1 (Accessed on 19/11/2026)
[37] United Nations General Assembly., 'Digital innovation, technologies and the right to health: A/HRC/53/65' Available at https://docs.un.org/en/A/HRC/53/65 (Accessed on 19/11/2026)
[38] Ibid
[39] Ibid
[40] Ibid

fostering access to medical and health information through online health platforms[41]. It has been observed that in healthcare, algorithmic decision-making can assist doctors in identifying diseases in a clinical setting, where data is complex or sparse thus aiding them to make correct diagnoses[42]. AI-powered tools and solutions are enhancing the efficiency and accuracy of healthcare delivery through personalized medical care, early disease detection, and predictive analytics[43]. Through algorithms that examine enormous volumes of patient data to find patterns and predict outcome, AI is enabling more precise diagnoses towards improving health outcomes[44].

The adoption of technology and AI is therefore key towards advancing the right to health globally. WHO observes that technology and AI are already playing a pertinent role in diagnosis and clinical care, drug development, disease surveillance, outbreak response, and health systems management thus bolstering the right to health[45]. However, the use of technology and AI in healthcare in the Global South raises pertinent concerns. For instance, due to inadequate investments, the application of technology and AI to improve the health of individuals and populations in the Global South remains largely untapped[46]. In addition, the integration of AI and other digital technologies in healthcare can undermine the right to privacy especially when online healthcare records, electronic medical records and communications with healthcare providers are not protected[47]. In addition, it has been observed that since AI models are only as good and accurate as the data they are relied on, use of diagnostic models that lack data diversity and inclusivity can perpetuate or worsen health inequalities against vulnerable and marginalized groups[48].

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[41] Owoyemi. A et al., 'Artificial Intelligence for Healthcare in Africa' Available at https://pmc.ncbi.nlm.nih.gov/articles/PMC8521850/ (Accessed on 19/11/2026)

[42] European Parliament., 'Understanding Algorithmic Decision-Making: Opportunities and Challenges' Available at https://www.europarl.europa.eu/RegData/etudes/STUD/2019/624261/EPRS_STU(2019)624261_EN.pdf (Accessed on 19/11/2026)

[43] Twacharodi. A et al., 'Revolutionizing healthcare and medicine: The impact of modern technologies for a healthier future—A comprehensive review' Available at https://pmc.ncbi.nlm.nih.gov/articles/PMC11520245/ (Accessed on 19/11/2026)

[44] Ibid

[45] World Health Organization., 'Harnessing Artificial Intelligence for Health' Available at https://www.who.int/teams/digital-health-and-innovation/harnessing-artificial-intelligence-for-health (Accessed on 19/11/2026)

[46] World Health Organization., 'Digital Health' Op Cit

[47] United Nations Development Programme., 'Guidance on the rights-based and ethical use of digital technologies in HIV and health programmes' Available at https://www.undp.org/publications/guidance-rights-based-and-ethical-use-digital-technologies-hiv-and-health-programmes#:~:text=Such%20technologies%20can%20support%20the,right%20to%20health%20for%20all (Accessed on 19/11/2026)

[48] Artificial Intelligence in Medical Diagnostics., Available at https://aslm.org/artificial-intelligence-in-medical-diagnostics-revolutionizing-precision-and-speed-in-healthcare/ (Accessed on 19/11/2026)

Consequently, there is need for effective policies in order to harness the transformative power of AI and technology towards achieving the right to health in the Global South. In particular, enhancing investments in AI and technology can scale up affordable, accessible and equitable solutions towards achieving the right to health in the Global South[49]. Protecting sensitive health data and records is also key towards advancing the right to health through technology and AI while upholding the right to privacy[50]. Tackling algorithmic biases through inclusive and accurate AI models is also necessary towards effective use of technology and AI in healthcare in the Global South. In particular, incorporating indigenous medical knowledge and healing practices into AI frameworks can foster accessible, affordable, ethical and culturally-appropriate health and medical services towards attaining the right to health for vulnerable and marginalized populations in the Global South[51]. Indigenous medical knowledge and healing practices have been utilised by communities in the Global South since time immemorial and can be blended with technology and AI towards ensuring improved health systems that are both scientifically accurate and culturally-appropriate[52].

4.0 Conclusion

Due to current challenges in attaining the right to health in the Global South, there is need to embrace innovative approaches towards achieving this right for human dignity, well-being and development. In particular, it is imperative to move from aspiration to action through technology and AI towards actualising the right to health in the Global South for Sustainable Development.

[49] World Health Organization., 'Harnessing Artificial Intelligence for Health' Op Cit
[50] Artificial Intelligence in Medical Diagnostics., Op Cit
[51] Mapping the application of artificial intelligence in traditional medicine: technical brief., Available at https://reliefweb.int/report/world/mapping-application-artificial-intelligence-traditional-medicine-technical-brief#:~:text=WHO%2C%20ITU%2C%20WIPO%20showcase%20a,drug%20discovery%2C%20and%20biodiversity%20conservation (Accessed on 19/11/2026)
[52] Ibid

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