



## Submission to the National Commission into the Regulation of AI in Healthcare: Call for Evidence

29th January 2026

### **Just Fair:**

[Just Fair](#) is a UK civil society organisation that works to achieve lasting, positive change through the promotion and protection of economic, social and cultural rights. The aims of Just Fair are to increase awareness and understanding of these rights; encourage UK governments and public authorities to respect, protect and fulfil these rights; and support individuals and groups to advocate for their rights.

### **Recommendations:**

Just Fair recommends that any regulatory framework for Artificial Intelligence (AI) in healthcare must embed human rights duties, both domestic and international. This needs to be accompanied by appropriate implementation of the framework and comprehensive human rights training for practitioners and those making decisions about the use of AI in the delivery of healthcare services.

### **Human rights and AI:**

Human rights are essential to regulating AI in healthcare because they are a vital framework for protecting people's dignity, safety and autonomy within technological innovation. Grounding AI governance in human rights from the outset helps to safeguard against discrimination, protects privacy in the handling of sensitive health data, and makes it more likely that decisions affecting diagnosis, treatment, and access to care remain fair, transparent, ethical and accountable.

A key human rights consideration in any regulation of AI in healthcare is the right to health, protected by Article 12 of the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR), which the UK ratified in 1976. This right requires states to strive for the highest attainable standard of physical and mental health and to address the broader determinants that influence health outcomes. The development and use of AI in healthcare must therefore be assessed in terms of how it aligns with and supports the realisation of this right. Under Article 2(1) of ICESCR, State Parties, including the UK, are obliged to take steps, to the maximum of their available resources, to progressively realise all rights in the Covenant by all appropriate means. The [United Nations Committee on Economic, Social and Cultural Rights](#) (UN CESCR) oversees implementation of the Covenant and evaluates how governments, including the UK, are advancing and safeguarding the right to health.

UN CESCR uses the AAAQ framework as a set of indicators in its [General Comment No.14: The Right to the Highest Attainable Standard of Health](#). This framework requires that healthcare services are available, acceptable, accessible and of good quality. It provides a useful starting point for identifying issues to consider for the regulation and implementation of AI in healthcare.

**Availability:** Regulation and implementation of AI should consider how new technologies will be made available across services and whether this distribution will be fair and equitable. It is important to assess any potential impact on the availability of in person healthcare, including whether certain groups may be disproportionately affected. Consideration must also be given to whether the introduction of AI could replace specific healthcare services or reduce their availability.

**Accessibility:** Regulation and implementation of AI should assess whether these technologies will increase or reduce people's ability to access healthcare, and how this impact may differ across population groups. There is a significant risk that AI tools could reproduce or amplify existing biases, potentially creating new barriers or reinforcing those that already prevent some individuals from accessing appropriate care. Clear and accessible information about specific AI systems must be provided, and particular attention should be given to how consent is obtained, ensuring that people understand how AI is being used in their care and can make informed choices.

**Acceptability:** Regulation and implementation of AI should take full account of the ethical implications associated with its use in healthcare. AI technologies must be designed and implemented in ways that respect cultural needs and the specific requirements associated with sex, age, disability and other protected characteristics. Privacy and confidentiality also require strong protection, particularly given the sensitivity of some health data. Staff should receive appropriate training not only in how to operate AI tools, but also in how to judge when their use is appropriate, ensuring that decisions remain grounded in professional expertise and patient-centred care and are rights respecting. AI technology must also not impede the delivery of a healthcare service that values the dignity and autonomy of the people that use it.

**Quality:** Regulation and implementation of AI should carefully consider the potential impact on the quality of healthcare services and establish clear mechanisms for evaluating this. Strong safeguards are essential to prevent AI from reducing standards of care or introducing new risks. For example, it has been reported that a patient's medical records had [false entries generated by an AI system](#), including a diagnosis of a condition that he did not have. Clear lines of accountability must also be established so that, if errors arise due to the use of AI, both staff and people using healthcare services understand the process for reporting, investigating, and addressing those errors.

Outside of ICESCR, the National Commission on the Regulation of AI in Healthcare must consider other human rights legislation as part of the regulatory approach. The right to health is in part protected by several articles contained within the [Human Rights Act 1998 \(HRA\)](#). Public bodies and in some contexts private bodies that provide services on their behalf have a section 6 duty to comply with the HRA across all their actions. This means that a new regulatory framework for the use of AI in healthcare would need to be compatible with the HRA. [The Joint Committee on Human Rights](#) is undertaking an enquiry on [human rights and AI regulation](#) and it is important for the National Commission into the Regulation of AI in Healthcare to take their recommendations into account when their report is published later this year. The UK also signed the [Council of Europe's Framework Convention on the use of AI](#) in September 2024. This convention aims to ensure that AI systems are fully consistent with human rights, democracy and the rule of law. Key areas for the Commission to consider include human dignity and autonomy, transparency, accountability, equality and non-discrimination and safe innovation.

There are clear lessons to be learned from the rapid roll out of new technologies across the health sector in recent years. Although not an example of AI, the widespread and sometimes hurried adoption of digital tools, such as vision based monitoring systems in mental health inpatient settings, illustrates the risks of introducing technology without adequate safeguards or full consideration of human rights laws. These systems were introduced by some trusts on the basis that they could enhance patient safety, yet growing evidence shows that they have at times been used improperly or without the necessary processes in place. This has led to serious human rights concerns, particularly around patient privacy, the quality of care, and overall safety. [At least three coroner's reports](#) have identified video based monitoring as a contributing factor in patient deaths, and the ongoing [Lampard Inquiry](#) into deaths under a mental health trust in Essex is specifically examining the use of this technology alongside other digital tools. These examples underscore why human rights must be embedded not only in regulatory frameworks but also in the practical implementation of any new technology in healthcare, including AI.

**Conclusion:**

Just Fair believes that by aligning its approach with obligations under ICESCR, the Human Rights Act, and emerging international standards, the National Commission into the Regulation of AI in Healthcare can help to uphold the right to health as innovation continues to develop. This approach must sit alongside a rights-based approach to the actual implementation of AI technology, including the provision of training for staff.

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