Local Maladies, Global Remedies: The Trajectories of the Right to Health in Brazil and Colombia

Abstract

In this presentation I will discuss the cases of Colombia and Brazil, the two most litigious countries—when it comes to basic and socioeconomic rights—in Latin America. I will present three different periods in the development of the right to health in both south American countries: (i) a first moment of emergence of the right to health in Brazil's 1988 and Colombia's 1991 Constitution, bolstered by the pathbreaking HIV/AIDS rulings handed down by the Brazilian Supreme Court and by the Colombian Constitutional Court; (ii) a second moment of "pharmaceuticalization" of the right to the health, starting in the early 2000s, when litigants marshalled the right to health in order to demand--from their health systems--expensive biotech drugs used for the treatment of chronic diseases such as cancer; (iii) the current post-pandemic moment, when scholars, judges, litigants and policymakers are rethinking the right to health against the backdrop of the hegemonic power of Big Pharma companies. I will close my presentation by discussing the health system reform proposed by the Petro administration, an overarching policy that has ignited a heated debate in Colombia and that is based--according to the government--on a robust notion of the right to health that is opposed to a neoliberal, privatizing health system.

Everaldo Lamprea is a Colombian scholar who has researched and written extensively on the right to health and access to healthcare in Latin America and the global south. He holds a doctoral degree from Stanford University. Currently, he is a professor at Universidad Nacional de Colombia in Bogotá. His most recent book, Local Maladies, Global Remedies: Reclaiming the Right to Health in Latin America (Edward Elgar Pub, 2022) summarizes his research agenda during the past decade. In Local Maladies, Global Remedies, he is specially interested in studying what has been called "pharmaceuticalization"—i.e. the negative impact of the Big Pharma Industry on access to health care, public health and the right to health in Latin America.