

Local Maladies, Global Remedies

Reclaiming the Right to Health in Latin America

Everaldo Lamprea-Montealegre

Professor of Law, Law School, National University of Colombia



Edward Elgar
PUBLISHING

Cheltenham, UK • Northampton, MA, USA

© Everaldo Lamprea-Montealegre 2022

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical or photocopying, recording, or otherwise without the prior permission of the publisher.

Published by
Edward Elgar Publishing Limited
The Lypiatts
15 Lansdown Road
Cheltenham
Glos GL50 2JA
UK

Edward Elgar Publishing, Inc.
William Pratt House
9 Dewey Court
Northampton
Massachusetts 01060
USA

A catalogue record for this book
is available from the British Library

Library of Congress Control Number: 2022934693

This book is available electronically in the **Elgaronline**
Law subject collection
<http://dx.doi.org/10.4337/9781800376540>

ISBN 978 1 80037 653 3 (cased)
ISBN 978 1 80037 654 0 (eBook)

Contents

<i>List of figures</i>	vi
<i>List of tables</i>	vii
<i>Acknowledgements</i>	viii
The right to health in action: an introduction	1
PART I THE TRANSFORMATIONS OF THE RIGHT TO HEALTH	
1 The elusive search for the minimum core of the right to health	18
2 The political economy of the right to health: a terrain for contestation	34
3 The judicialization of health care in the Global South	56
PART II LOCAL MALADIES: THE EPIDEMIC OF THE RIGHT TO HEALTH IN BRAZIL AND COLOMBIA	
4 Health system reform and the rise of litigiousness in Brazil and Colombia	81
5 The HIV/AIDS pandemic and the plight of vulnerable patients: understanding the first wave of litigiousness in Brazil and Colombia (1990–2000)	106
6 Riding a second wave (2000–2020): the downstream approach and the rise of “high-cost patients”	123
7 A case study of patients’ organizations: between good causes and hidden clients	139
8 Stopping a litigation epidemic: lessons from Colombia and Brazil’s highest courts	158
The promise of the right to health, and why we have to keep it: closing reflections	178
<i>Bibliography</i>	193
<i>Index</i>	206