



Trade and Human Rights: Using the Rules of Free Trade to Bolster Practicable Access to the Right to Health

Dominique Lochridge-Gonzales

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The right to health, defined as the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health,” not only includes states taking steps to progressively realize the treatment and prevention of diseases but also applies to the conditions which support a healthy life such as nutrition and healthy working conditions. The rules of international trade, such as World Trade Organization treaties and free trade agreements (FTAs), provide avenues for states to more effectively respect, protect, and fulfill the right to health, and this thesis examines four different areas through which Latin American states can wield the tools provided in these rules.

This book examines the varying impacts on access to medicine and healthy working conditions of different FTAs between the U.S. and Latin American states. Chapter 2 presents evidence that the provisions of the “New Trade Policy” FTAs provide an avenue for more positive human rights impacts than “TRIPS-plus” FTAs, and Chapter 5 provides a framework for provisions of future FTAs to better foster healthy working conditions. Chapter 3 focuses on how to better encourage utilization by Latin American states of these avenues under the rules of trade, positing that developing the necessary preconditions for pooled compulsory licenses to import pharmaceutical products offers the most promising strategy. Chapter 4 addresses approaches for promoting food fortification and puts forth the argument that measures which are implemented to promote fortified foods – even though they may limit international trade – do not necessarily violate the relevant trade rules.

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